

4/01841/18/FHA	NEW OUTBUILDING
Site Address	BLUEFRIARS HOUSE, GOLF CLUB ROAD, LITTLE GADDESSEN, BERKHAMSTED, HP4 1LY
Applicant	Mrs S. Jones
Case Officer	Andrew Parrish
Referral to Committee	Contrary views of Little Gaddesden Parish Council

1. Recommendation

1.1 That planning permission be **REFUSED**

2. Summary

2.1 The site falls within the Rural Area and is within the designated Chilterns Area of Outstanding Natural Beauty. The proposed annex, being a detached outbuilding is contrary in principle to Rural Area Policy CS7 which does not cover outbuildings. The above notwithstanding, the proposed outbuilding given its size, siting and design would significantly extend and enlarge the amount of built development between the house and the side boundary, visually infilling the current open gap that exists between the main house and the garage block / side boundary thereby urbanising the site and harming the open setting of the dwelling and the rural character of the area. In these terms the proposal would harm the rural character of the area and the natural beauty of the AONB, thereby contrary to Policies CS7, CS12, CS27, saved Policy 97 and the Chilterns Buildings Design Guide. Furthermore, insufficient information has been submitted to demonstrate that there would be no harm to existing trees on the boundary and is therefore contrary to Policy CS12 and saved Policy 99.

3. Site Description

3.1 The application site comprises a recently constructed arts and crafts style dwelling that replaced a smaller dwelling on the site and is located on the south side of Golf Club Road, within the Chilterns Area of Outstanding Natural Beauty and Ashridge Park and backing onto Ashridge Golf Club. The property is located within a generous plot, set back from the road centrally within its plot and within a verdant setting of mature trees and woodland. The property has a long sweeping driveway with triple oak framed car port to one side. The surrounding area of Golf Club Road comprises a variety of detached dwellings at low density set within a similar verdant semi-rural setting.

The site falls within the Rural Area and designated Chilterns AONB.

4. Proposal

4.1 Permission is sought to erect a detached 'annex' outbuilding to one side of the dwelling set behind the existing oak framed car port.

5. Relevant Planning History

5.1

4/00720/13/RO C VARIATION OF CONDITION 8 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/01210/11/FUL (DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FIVE BED HOUSE AND OAK FRAMED GARAGE)
Granted
19/08/2013

4/01210/11/FUL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF
FIVE BED HOUSE AND OAK FRAMED GARAGE
Granted
28/09/2011

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy

Policies NP1, CS7, 10, 11, 12, 13, 27 and 29

Appendices 5 and 7

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 22, 58, 97, 99 and 100

6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Chilterns Buildings Design Guide

6.5 Advice Notes and Appraisals

- None relevant

7. Constraints

- Rural Area
- AONB
- Area of Archaeological Significance

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

- Impact on Rural Area and AONB
- Impact on Trees
- Impact on residential amenity

Policy and principle and heritage impact

9.2 Situated within the Rural Area where, under Policy CS7, limited extensions to existing buildings are acceptable in principle provided it has no significant impact on the character and appearance of the countryside and supports the rural economy and maintenance of the wider countryside. However, the policy does not cover outbuildings and therefore the proposal does not have any policy support.

9.3 Whilst it might be argued that a large outbuilding could be constructed under permitted development, permitted rights are curtailed within the AONB but, moreover, class E rights were removed in granting permission for the replacement dwelling in 2011, so this does not present a viable fall back.

9.4 Furthermore, whilst there might have been an argument that limited extensions to the existing building would be acceptable in accordance with Policy CS7, and therefore there would be no materially greater harm to the Rural Area as a result of siting the equivalent floorspace / volume as a detached building instead, this too does not present a viable fall-back since permitted development rights under classes A and B were also removed. It is also not a foregone conclusion that an extension to the dwelling would be permitted to the side of the dwelling.

9.5 The development is therefore unacceptable in principle.

Impact on Rural Area and AONB

9.6 As background history it must be recognised that the existing dwelling is a replacement for a smaller dwelling on the site, constituting a 60% increase on the original volume in 2011. However, with the oak framed car port included, the increase is actually 76%. This increase was in excess of the guidance figure of 50% allowed for under Policy 22 of the Local Plan and, whilst on balance the scheme was considered acceptable in Rural Area terms, there has clearly been an increase in the amount of building volume / footprint coverage at the site, as well as an increase in height of built development. The detached car port also extended the effective width of building coverage at the site. However, it's relatively modest size, low height, hipped roof and traditional form and materials ensures that it sits comfortably within the rural setting and is not prominent. Accordingly, the existing buildings maintain an overall spacious setting to the plot with generous tree planting and open space margins to the boundaries in keeping with its surroundings and the rural location.

9.7 The proposed annex building would be roughly the same footprint as the oak framed car port and would therefore increase the built development at the site accordingly (equivalent to 85% increase on the original dwelling when considered with the previous increases). However, the real concern with the proposal is that the building in its proposed location to the side of the house and to the rear of the car port would significantly extend and enlarge the amount of built development between the house and the side boundary, visually infilling the current open gap that exists between the main house and the garage block / side boundary thereby urbanising the site and harming the open setting of the dwelling and the rural character of the area.

9.8 Furthermore, this harm would be exacerbated by the excessive height of the annex building and the materials and domestic form which would not sit comfortably in relation to the low key rural setting of the dwelling or the rural character of the existing oak framed outbuilding. In the above respects, it is noted that the proposed outbuilding would be akin to a small bungalow with its gabled front porch, large projecting bay window, first floor windows and

high, steeply pitched, roof. Rather than sitting quietly in the background as an incidental outbuilding to the main house, the overall size, form, design and materials would emphasise and reinforce the apparent importance of this structure, and urbanise the site. In these terms the proposed annex would have an assumed importance and form that would detract from the natural beauty of the AONB.

9.9 Furthermore, the proposed 1.8 m high wall would further detract from the open character of the site and present a harsh feature detrimental to the natural beauty of the AONB. Whilst walls are traditional boundary features to dwellings in the Chilterns AONB, in this case it would be damaging to the open character and, like solid fences, would be too urban and out of place in this location, contrary to Chilterns Buildings Design Guidance.

9.10 In response to concerns raised by the case officer, the applicant has responded that *"the Sylvan quality of the road and its dwellings should not have disparate and uncharacteristic (false) barn structures"*. However, this argument is not followed. Given the existing detached oak framed car port is a "barn" structure and already exists, continuing this design and form would not be out of character. Moreover, wooden structures with plain tiled roofs are traditional within the Chilterns and indeed exemplified within the Chilterns Buildings Design Guide. Furthermore, their simple design and materials means they sit more quietly in the context of being subservient to the main dwelling, and would also sit more comfortably in terms of the wooded character of the site. In the above context, it is difficult to see how there is justification for the proposed design and materials, let alone its size and height.

9.11 Whilst noting the submitted photomontage showing the supposed position of the annex building, the one viewpoint given minimises the impact of the building whilst maximising the apparent spacing with the car port. Moreover, the outline has been incorrectly plotted as the building will actually be much closer to the car port than indicated. Therefore the gap will be much less than shown and so little weight can be given to this submission. Furthermore, what is also clear from this image is the additional impact of the 1.8 m high wall on the open character of the site at this point which will visually link the house to the car port. The wall is a further urbanising feature that will detract from the natural beauty of the AONB. Whilst arguably this could be done under PD, permission is needed for the outbuilding, therefore, the proposals need to be considered as a whole, and any permission could consider amendments to this aspect or removal of PD rights.

9.12 A photo of the site opposite (Fieldfares) has been submitted by the applicant to show the impact of a large brick built structure forwards of that house. It is remarked that this is detrimental to the Green Belt. The case officer would not disagree with this assessment (although in reference to the Rural Area, not the Green Belt) and would consider that this demonstrates the harm from such inappropriate structures. In that case the structure does seem to dominate the frontage and urbanise the site to the detriment of the open character of the area. However, clearly each site must be considered on its merits, the starting point for which will always be the existing situation on the site. It is not therefore considered that the Fieldfares decision would set a precedent for the development in this case.

9.13 The proposal does not respect the rural character of the area, or the natural beauty of the AONB and is contrary to Policies CS7, CS12, CS27, saved Policy 97 and the Chilterns Buildings Design Guide.

Impact on trees

9.14 Saved Policy 99 states that:

"Encouragement will be given to the preservation of trees, hedgerows and woodlands (including old orchards) throughout the Borough."

Where new development is proposed a high priority will be given to their retention and to their protection during development. Regard will also be paid to future management intentions (ref Policy 101). In order to minimise unnecessary loss and damage to roots the Council will:

(a) carefully consider the positions of existing and proposed trees with the proposed development so that a harmonious relationship is achieved;

(b) require an accurate tree survey indicating trees proposed for retention or removal; and

(c) require details of proposed underground works and tree protection measures to be submitted and approved."

9.15 The proposed siting would be in close proximity to a number of mature trees on the boundary of the site which are considered to make a significant contribution to the visual amenities of the area and its rural character and should be retained.

9.16 No tree survey, arboricultural impact assessment or tree protection measures were submitted with the application to demonstrate that the development's relationship with the trees and their long term health would be acceptable, and this was raised with the applicant as a concern.

9.17 In response, the applicant has stated that the car port was designed with piled and raft foundations and that it was executed without harm to the trees and that the proposed structure would be similarly designed. However, given the proposed structure is a brick built structure it is very different to the light weight oak framed car port and it is not clear that this type of foundation would be acceptable here. In any event there will be a large concrete pad that will likely impact on tree roots, so there is insufficient information with the application to show the precise position of the trees, their size and species in relation to the structure, how the trees will be protected during demolition / construction works (there is a small concrete pad in the location that will presumably need to be removed) or, in the absence of any engineering details, whether a piled and raft foundation would avoid harm to the trees as suggested.

9.18 Accordingly, insufficient information has been submitted to demonstrate that there would be no harm to existing trees. The proposal is therefore contrary to Policy CS12 and saved Policy 99.

Impact on residential amenity

9.19 Given the significant distance to neighbouring residential properties and the fact that there would be no windows facing the immediately adjoining property, it is not considered that annex building would result in any harm to residential amenities.

9.20 The proposal would accord with Policy CS12 of the Core Strategy.

Other considerations

9.21 There would be no increase in bedroom numbers and therefore no implications for car parking. There is ample off-street car parking serving the property to the front.

9.22 Policy CS29 requires a number of criteria to be satisfied for all new development. A CS29 sustainability statement has been submitted which is generally considered acceptable. However, the amended Advice Note does not apply this to householder development.

10. RECOMMENDATION – That planning permission be **REFUSED** for the reasons referred to above and for the following reasons:

Reasons for Refusal

No	Condition
1	The proposed outbuilding, by reason of its size, siting and design and by reason of the enclosing brick garden, wall would significantly extend and enlarge the amount of built development between the house and the side boundary, visually infilling the current open gap that exists between the main house and the garage block, thereby urbanising the site and harming the open setting of the dwelling, the rural character of the area and the natural beauty of this part of the Chilterns Area of Outstanding Natural Beauty. The proposal is therefore contrary to Policies CS7, CS12, CS27 of the Dacorum Core Strategy September 2013 and saved Policy 97 of the Dacorum Borough Local Plan 1991-2011, and the Chilterns Buildings Design Guide.
2	<p>Insufficient information has been submitted to demonstrate that there would be no harm to existing trees on the boundary as a result of the development. The proposal is therefore contrary to Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.</p> <p>Article 35 Statement</p> <p>Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant during the determination process. However, fundamental objections could not be overcome. 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.</p>

Appendix A

Consultation responses

Little Gaddesden PC - supports (21/08/18)

Historic Environment Officer - In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

(10/08/18)

LITTLE GADDESSEN PARISH COUNCIL	21/08/2018	Supports
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HISTORIC ENVIRONMENT OFFICER	10/08/2018	In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.
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Consultees: not responded

THE CHILTERN		
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SOCIETY			
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Appendix B

Neighbour notification/site notice responses

None