

**4/02853/15/FUL - DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF A REPLACEMENT DWELLING WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. (AMENDMENT TO PLANNING PERMISSION 4/01472/15/FUL)..**

**MILLFIELD BUNGALOW, FRIENDLESS LANE, FLAMSTEAD, ST ALBANS, AL3 8DE.**

**APPLICANT: Mr & Mrs Leigh.**

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[Case Officer - Joan Reid]

## **Summary**

The application is recommended for refusal. The site is located within the Metropolitan Green Belt wherein planning permission will only be granted for appropriate development. The replacement dwelling would be materially larger than the dwelling that it is replacing and would constitute inappropriate development in the Green Belt. The very special circumstances put forward are not considered to justify the harm in terms of inappropriateness and impact on the openness of the green belt having regard to the two previously approved schemes. The proposal is therefore considered to fail policy 4, 23, 22 of the saved DBLP 1991-2011, policy CS5 of the Core Strategy and the national planning policy set out in the NPPF.

## Site and surroundings

The application site is located within the Metropolitan Green Belt and within the Chilterns Area of outstanding natural beauty and comprises a modest bungalow which has previously been extended. To the rear of the bungalow, there are clusters of outbuildings. The site is bounded on all sides by mature hedging. Access is via two lane ways from Friendless Lane.

## Proposal

The application seeks planning permission for the demolition of the existing bungalow and outbuildings and construction of a large two storey detached dwelling. This proposal is similar to that previously approved, however, the applicant now also seeks a large basement extending to an additional 49sq.m floorspace.

## **Planning History**

4/01472/15/FU DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS  
L AND CONSTRUCTION OF A REPLACEMENT DWELLING WITH  
ASSOCIATED ACCESS, PARKING AND LANDSCAPING  
(AMENDED SCHEME)

Granted

12/06/2015

4/03330/14/FU DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS  
L AND CONSTRUCTION OF A REPLACEMENT DWELLING WITH  
ASSOCIATED ACCESS, PARKING AND LANDSCAPING

Granted

13/01/2015

4/01224/14/LD USE OF LAND FOR RESIDENTIAL PURPOSES.  
E

Granted  
30/07/2014

4/02076/89/4 FRONT AND REAR EXTENSIONS  
Granted  
05/02/1990

## **Policies**

### National Policy Guidance

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

### Adopted Core Strategy

NP1 - Supporting Development  
CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS24 - Chilterns Area of Outstanding Natural Beauty  
CS25 - Landscape Character  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction

### Saved Policies of the Dacorum Borough Local Plan

Policies 23, 97, 99 and 120

### Supplementary Planning Guidance / Documents

Landscape Character Assessment (May 2004)  
Chilterns Buildings Design Guide (Feb 2013)

## **Summary of Representations**

### Markyate Parish Council

Support

### Hertfordshire 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:

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

Reason: To minimise the impact of construction vehicles whilst the development takes

place

2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

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

HIGHWAY INFORMATIVE: The highway authority requires that if there are any works on the highways (in this case to seal off the existing and therefore no longer used vehicle cross-over), these works are carried out by approved contractors. All works must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction/guidance.

Highway Comment The above scheme is for the demolition of the existing dwelling and out buildings and construction of a replacement dwelling. As part of this proposal, the site will have only one point of access onto the highway network hence the informative above. This latest application has amendments to both the internal and external orientation, none of which impacts on the highway.

Conclusion The highway authority in principle has no objection to the construction of this house. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions.

### Trees and Woodlands

This application concerns the demolition of an existing dwelling at Millfield, Friendless Lane, Flamstead and the construction of a new one with revised access, parking and landscaping.

The site is largely devoid of trees or any other significant vegetation. A few mature trees are located around the site boundary.

The new dwelling is proposed to be located slightly further into the plot than the existing dwelling, with the former footprint becoming the main parking section of the driveway.

There will be no adverse effect on trees during demolition / construction due to the distance between these activities and site boundaries. The existing vehicular access will be reused.

Broadleaf tree planting is proposed along the Friendless Lane boundary. A native species would be an appropriate choice for planting in this rural area although Ash (*Fraxinus* spp) is not permitted at this time due to UK restrictions.

Confirmation of the species to be planted, together with detail of planting size and location should be submitted for assessment.

### Thames Water

#### WASTE COMMENTS:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a

suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

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

#### Rose Corner -Support

I would like to take this opportunity to register my full support for this application. I think that the proposed amended scheme with the improved positioning of the replacement dwelling and additional minor amendments will also serve to further enhance an already considered and appropriate development. I understand that Mr and Mrs Leigh have requested that they remain on site in the existing bungalow during the redevelopment. Given the recent spate of burglaries and thefts not only to Millfield Bungalow but also to the neighbouring properties including Rose Corner as well as to National Grid Infrastructure, I would also like to register my full support for this particular element of the new proposal. Having an on site presence outside of normal working hours will only serve to further ensure the security of the site and the surrounding properties.

#### Millfield Cottage - Support

I have studied the revised proposals , which do not materially affect my previous comments and overall support.

The changes to the External Elevations are largely improvements and do not affect the substance of the whole.

The reasons for the reorientation and re-siting are understandable and well founded for the practical issues described and the effect on my property is on balance fairly neutral. Although slightly closer and more visible this is offset by the main west elevation being skewed away from the direct line of sight to the cottage, which is appreciated.

My previous comments on the diversion of the Electricity and Water services to my property are still relevant but there would be slightly more room available.

I am very glad to confirm my continued overall support and good wishes for the Scheme as Amended.

### **Considerations**

#### Policy and Principle

The application site is located within the Green Belt wherein the principle of replacement dwellings are acceptable subject to compliance with the NPPF, policy CS5 of the Core Strategy and saved policy 23 of the local plan.

Saved policy 23 states that rebuilding a dwelling in a different position on the site may be possible provided its impact on the openness and character of the Green Belt or Rural Area is no worse than the dwelling it replaces, and if possible much less. In particular the dwelling should:

- i) be compact and well-designed, retaining sufficient space around it to provide an attractive setting and to protect the character of the countryside;
- ii) not be visually intrusive on the skyline or in the open character of the surrounding countryside; and
- iii) not prejudice the retention of any significant trees or natural features.

Any new dwelling should not be larger; or

the dwelling which it replaces; or  
the original dwelling on the site plus an allowance for any extension that would have been permitted under policy 22.

Permitted development rights will normally be withdrawn by planning condition to ensure there is control over future extensions.

Policy CS5 reiterates the policies of the local plan and states that small scale development will be permitted: a) for the uses defined as appropriate in national policy; b) for the replacement of existing houses (on a like for like basis); and c) for limited extensions to existing buildings.

#### Size of replacement dwelling

The existing bungalow has already been extended with a front and rear extension and has introduced a large dormer window. Therefore the original building should be taken as 100% in accordance with size allowance policy above and the extensions should be incorporated into the 30% allowance. It is likely that the dwelling has already been extended close to its 130% allowance ( in floor space).

The application proposes a large replacement dwelling which would result in a significantly greater sized building than the original bungalow and therefore represents inappropriate development in the Green Belt. Therefore, the application is required to demonstrate very special circumstances to justify the proposal. For the two previous schemes, the application has offered that the existing outbuildings on the site together with the bungalow be demolished in order to justify the inappropriate development and on this basis it was considered that the removal of the outbuildings from the site together with the bungalow would justify the larger replacement dwelling than normally considered acceptable in size terms as there was a benefit of condensing the built form on the site into one property located on the same site as the existing dwelling. A more detailed analysis for the previous schemes revealed that the existing dwelling amounts to approximately 159sq.m (as extended) and the existing outbuildings on the site extended to 265sq.m. The approved dwelling amounted to approximately 348 sq.m which was approximately 76sq.m less than the built floorspace presently on the site

and the volume of the proposal remained the same as the volume of the dwelling and the outbuildings to be demolished (1225 cubic metres). Following this scheme, the applicant then also applied to change the siting of the replacement dwelling further into the site which was considered by the planning department acceptable as there was no greater increase in the size of the approved.

This scheme however seeks further enlargement of the replacement dwelling than previous approved by addition of a large basement (measuring 49sq.m). The agents argue that the resultant dwelling including the basement would not be materially larger than the dwellings and outbuildings that they are replacing however this is disputed. Whilst the floorspace in simple terms may not be increased, the volume of the replacement compared to what is existing on the site is significantly greater. It is acknowledged that the basement is contained underground however it is legally required for the LPA to take the basement into account in the Green Belt assessment as established through appeals and High Court cases.

The replacement dwelling is significantly larger than the dwelling it replaces and as such on the two previous applications, very special circumstances outweighed the harm by reason of inappropriate development in the Green Belt i.e although the replacement dwelling was materially larger, the applicant put forward a case to remove the outbuildings from the site which were considered sufficient very special circumstances. Now this application seeks a larger dwelling again by virtue of the installation of the basement and the very special circumstances put forward are not considered to outweigh the harm by way of inappropriateness in the Green Belt.

Whilst, it recognised that there may well be a need for a pump room underground, the basement also includes a large store. The applicant insisted during the course of the two previous applicants that it was their preference to maximise the size of the replacement dwelling and did not want to allow any provision for stores or outbuildings. However, instead of reducing the above ground level size of the replacement dwelling in order to provide for practical storage, the proposal seeks to put a basement in. The very special circumstances put forward no longer justify the increase in the size of the dwelling from that previously approved. In summary, it is considered that the replacement dwelling is materially larger than the one that is replacing. The very special circumstances put forward do not outweigh the harm by reason of inappropriate development nor does the fall back scheme which is smaller than currently proposed.

#### Impact on the Area of Outstanding Natural Beauty

As the site is located within the Chilterns AONB, consideration should be given to Core Strategy Policy CS24 and saved Local Plan Policy 97, both of which seek to conserve the natural beauty of the Chilterns AONB and states that new development must not be intrusive and new structures should be sympathetically sited and designed. Regard should also be given to the Chiltern Conservation Board's 'Chilterns Area of Outstanding Natural Beauty Management Plan 2014-2019' which advises that development should respect vernacular and architectural style and, in particular, new housing should only be permitted if its scale and massing reflect the local context.

The proposed development seeks to replace a bungalow with a large two storey dwelling. Whilst it is considered that the replacement dwelling will appear more visually prominent than the existing bungalow and outbuildings on the site due to the increase in height and bulk of the building however on balance as the proposed dwelling would

use facing brick, timber weather-boarding and tiles, all of which appear to be compatible with the local vernacular. In terms of scale of the property, two-storey dwellings are situated along Mill Lane, Friendless Lane and at the apex of where the two former roads converge. As such, the proposal would be appropriate to the local context.

With respect to the basement proposals, it in its own right is not considered to materially harm the setting of the countryside.

#### Effect on Amenity of Neighbours

It is not considered that there would be any significant harm to the amenity of the neighbouring properties. The nearest property has written in support of the application.

#### Trees and woodlands

The existing hedging around the site are to be retained which is an important consideration of this application. Harm to the hedging would have a negative impact on the character of the AONB and countryside. The application also proposes additional planting around the boundary of the site which is supported and a condition will be imposed requiring the implementation of such planting however with the retention of existing trees.

#### Bat survey

A bat survey has been undertaken on the house and the outbuildings to be demolished. No evidence of bats were found.

#### CIL

Due to the size of the replacement dwelling the proposal would be CIL liable however the applicant may apply for a self build exception.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

**The proposal is considered to be inappropriate development in the Green Belt which results in harm to the openness of the Green Belt. The very special circumstances put forward do not outweigh the harm by reason of inappropriate development. As such, it is considered that the proposal results in inappropriate development in the Green Belt which is harmful to the openness of the Green Belt and fails to meet the NPPF, policy CS5 of the adopted Core Strategy.**