

ITEM NUMBER: 5e

20/00419/FUL	DEMOLITION OF THE EXISTING BUNGALOW AND CONSTRUCTION OF A NEW DWELLING AND GARAGE
Site Address	TWO BAYS, LONG LANE, BOVINGDON, HERTFORDSHIRE. HP3 0NE
Applicant/Agent:	Mr James Cosgrave
Case Officer:	Robert Freeman
Referral to committee	The recommendation would be contrary to the views of the Parish Council

1. RECOMMENDATION

1.1 That planning permission be **GRANTED**

2. SUMMARY

2.1 The proposed dwelling would have a less significant impact upon the character and appearance of the Green Belt and would be less harmful to neighbouring property than the extant planning permission for extensions to the property (4/01975/18/FHA) and as such is considered that there are material circumstances which may justify its approval in the context of the National Planning Policy and Policies CS5 and CS12 of the Core Strategy.

3. SITE DESCRIPTION

3.1 The site is located on the western side of Long Lane, Bovingdon and to the south of the 'Bienvenida'. The site extends to 0.5 acres of land upon which there is a small bungalow.

4. PROPOSAL

4.1 The proposals involve the demolition of the existing bungalow and its replacement with a two storey detached dwelling and garage.

5. RELEVANT PLANNING HISTORY

The application for planning permission follows the following successful planning approvals:

4/01975/18/FHA – Construction of side and rear extension to provide 2 storey accommodation and separate garage

This application was granted on the 8th October 2018

4/00513/18/LDP - Single storey side extensions to the left and right of the property, the conversion of existing loft space to habitable room and provision of a rear dormer window.

This application was granted on the 23rd April 2018

4/00454/18/HPA - Single storey rear extension measuring 8 m deep with a maximum height of 4m and a maximum eaves height of 3m

It was concluded that planning permission was not required on the 14th March 2018

4/00269/18/HPA - Single storey rear extension measuring 8m deep with a maximum height of 4m and a maximum eaves height of 3m

It was concluded that planning permission was not required on the 12th March 2018
A number of additional applications to intensify the residential use of the site have been refused. One proposal for two residential units on the site was appealed with the appeal being dismissed by the Inspectorate.

6. PLANNING POLICIES

6.1 National Policy

National Planning Policy Framework (February 2019) (NPPF)
National Planning Policy Guidance (NPPG)

6.2 Dacorum Borough Core Strategy 2006-2031

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

6.3 Saved Policies of the Dacorum Borough Local Plan 1991-2011

Policies 13, 51, 54, 55, 58 and 99.
Appendices 3, 5 and 7

6.4 Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

7. REPRESENTATIONS

Consultation responses

These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

These are reproduced in full at Appendix B.

8. CONSIDERATIONS

Policy and Principle

8.1 The site is located within the Green Belt beyond the boundaries of the village of Bovingdon. Green Belt planning policy is clearly set out within the National Planning Policy Framework (NPPF) and through Policy CS5 of the Core Strategy.

9.2 The NPPF sets out at paragraph 145 that the construction of new buildings should be regarded as inappropriate development in the Green Belt except in a limited number of circumstances. These circumstances include the replacement or extension of existing buildings providing that the use of the building remains and that additions are either proportionate with the original building or, in the case of replacement, not materially larger than that being replaced. In my view, this would also extend to the construction of outbuildings for purposes incidental to the main dwelling, such as garages, which would otherwise constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended)

9.3 The redevelopment of previously developed land will also be permitted in the Green Belt where there is no significant impact upon the character and appearance of the countryside. This would extend to residential gardens within the countryside as set out in Annex 2 of the NPPF.

9.4 These principles are replicated in Policy CS5 of the Core Strategy.

9.5 It falls for the local planning authority to determine whether the replacement dwelling would provide a building that could be considered similar in scale to the existing dwelling and if not whether there are “very special circumstances” which might otherwise lead one to conclude that planning permission should be granted.

9.6 The existing dwelling on the site comprises the modest bungalow. This building is approximately 82 square metres in size. The proposed dwelling is materially larger than the current property and on this basis, comprises inappropriate development.

9.7 However, planning permission has already been granted extending the ground floor area of approximately 168 square metres with a further useable floor area at first floor level of approximately 118 square metres under reference 4/018975/18/FHA.

9.8 The approval of planning permission 4/01975/18/FHA was granted on the basis of “very special circumstances” which gave weight to a fall-back position of how much the property could be extended utilising permitted development rights.

9.9 These “very special circumstances” were that a series of applications for Lawful development (LDP) and a number of Household Prior Approval (HPA) applications had been granted on this site and set out that an additional 235 square metres of floor space could be added through the addition of large and primarily single storey side and rear extensions and through modest additions to the roof space.

9.10 The majority of the additional floor area in the LDP/HPA consents would result from an increase in the footprint of the building at ground level (185 square metres) and could result in significant sprawl of the building along its frontage with Long Lane and to the rear of the existing property if implemented. In contrast, the extant permission would extend the footprint of the building by a more modest area, would not significantly increase the overall width of the dwelling (3m) and would provide accommodation in the roof space for only a small (1m) increase in the overall height of the property. For these reasons, it was concluded that the impact of development upon the character and appearance of the Green Belt would be at least commensurate, if not an improvement upon the fall-back position established under the LDP/HPA proposals and thus planning permission was granted for the proposals.

9.11 A replacement outbuilding was also granted under this permission and permitted development rights for future outbuildings were removed at this stage. This building was a replacement for a much larger outbuilding to the rear of the original dwelling.

9.12 The current proposals to replace the existing dwelling work within the space parameters set by the approved scheme and would reduce the floor area of the proposals by approximately 45 square metres. There would be no increase in the height of the main property nor the proposed outbuilding and as such no material change in the open character and appearance of the area beyond the extant permission. The main changes to the approved scheme are a reduction in the overall width of the property by 1.85m and an increase in the separation distance to the boundary with "Bienvenida" by 1m.

9.13 Although the depth of the two storey element of the scheme would increase by 1m, this is off-set by the increased separation distance to the site boundary. This is obviously beneficial in terms of addressing any over bearing impact and will also assist in the retention of soft landscaping to the boundary of the site.

Quality of Design / Impact on Visual Amenity

9.14. There are a number of single and two storey residential units extending as a ribbon of development along Long Lane and away from the village of Bovingdon. These properties vary in terms of their style and design, providing some scope for both innovative and traditional approaches to house building in the locality. In this context, the proposed dwelling is considered to be quite restrained resulting in a satisfactory appearance to the development.

9.15 The proposal are appropriate in terms of their design, bulk, scale, height and use of materials and would be acceptable in accordance with Policies CS12 and CS13 of the Core Strategy.

Impact on Residential Amenity

9.16 The proposals are considered to have a negligible impact upon the amenities of the neighbouring property, "Bienvenida", to the north of the site; given the juxtaposition of the properties, the location of main windows to the neighbouring unit and the existence of a dense tree and hedge screen along the boundary between the sites.

9.17 There would be no significant loss in either daylight or sunlight to this property. Although a number of rooms within "Bienvenida" have windows in the flank elevation facing the application site, in many instances there are alternative sources of light to these rooms; be it windows within the front or rear elevation or velux windows in the case of first floor accommodation. In the case of the ground floor windows these are in the shade of the vegetation upon the boundary of the site. A 45 degree angle would not appear to be breached to windows in the rear elevation of the property despite the increase in depth of the dwelling.

9.18 Although the extent of the two storey flank elevation would be increased by around 1m from the extant permission, this increased bulk facing the neighbouring property is not considered unduly harmful or oppressive to "Bienvenida" particularly as the overall depth of the unit is decreased from the extant permission and given an increase in the separation distance between properties.

9.19 No windows are proposed within the flank elevation facing the neighbouring unit and there would be no direct overlooking of the neighbour as a result of the development.

9.20 There would be no significant harm to the residential amenities of this property as may be identified under Policy CS12 and Saved Appendix 7 of the Local Plan 1991-2011.

Impact on Highway Safety and Parking

9.21 The proposed garage is still considered sufficient in width to accommodate vehicles associated with the dwelling and there is sufficient off-street parking within the curtilage of the dwelling such that there should be no objection under Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

Other Material Planning Considerations

Impact on Trees and Landscaping

9.22 The increased spacing between the proposed dwelling and the boundary should assist in the retention of the existing soft landscaping to this boundary and the screening of the proposals from neighbouring land.

Community Infrastructure Levy (CIL)

9.23 In accordance with Policy CS35 of the Core Strategy all new developments are expected to provide or contribute to the on-site, local and strategic infrastructure necessary to make the development acceptable. The Council adopted a Community Infrastructure Levy in 2015 and the proposals would be liable for a charge. The applicants may qualify for an exemption from payment as self-builders and subject to the completion of relevant information requests.

Conditions

9.24 The Highway Authority has suggested that two conditions are imposed in the interests of highways safety. It is not considered necessary to have measured car parking spaces indicated on the proposed plans given that the site is clearly capable of accommodating such vehicles in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

9.25 There is no indication that the existing drive is to be surfaced as part of this development nor is it reasonable for such measures to be introduced in relation to the proposals. For this reason, it is considered that the imposition of the second condition suggested by the Highway Authority would not be reasonable or necessary in these circumstances. Furthermore, it would appear to duplicate matters covered under the Highways Act 1980.

10. RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the conditions set out below:

Condition(s) and Reason(s):

No	Condition
1	<p>The development hereby permitted shall begin before the expiration of three years from the date of this permission.</p> <p><u>Reason:</u> 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</p>
2	<p>The development hereby permitted shall be constructed in accordance with the materials specified on drawing 8 and the application form.</p>

	<p><u>Reason:</u> To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013)</p>
3	<p>No construction of the superstructure shall take place until details of proposed sustainability measures, including sustainable drainage measures, within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.</p> <p><u>Reason:</u> To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning Policy Framework (2019).</p>
4	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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:</p> <p>Schedule 2 Part 1 Classes A and E</p> <p><u>Reason:</u> 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 in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).</p>
5	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Drawing numbers 1 to 8</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p>

APPENDIX A:

Consultee Comments

Consultee	Response
Parish Council	We object to the proposals on the grounds of over development, that the proposals would be out of keeping with the surrounding area and would be over bearing to neighbouring property (Bienvenida)
Hertfordshire Highways	Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

	<p>CONDITIONS</p> <p>1. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained thereafter and shall be used for no other purpose.</p> <p>Reason: To ensure that adequate provision for off-street parking is available at all times and to minimise the impact on the safe and efficient operation of the highway.</p> <p>2. Before the premises are occupied all on site vehicular areas shall be surfaced to the Local Planning Authoritys approval. Arrangements should be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.</p> <p>Reason: To minimise danger, obstruction and inconvenience to users of the highway.</p> <p>INFORMATIVES</p> <p>1. Obstruction of the public highway - It is an offence unde Section 137 of the Highway Act 1920 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.</p> <p>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. Section 149 of the same act gives the Highway Authority powers</p> <p>3. Storage of Materials - The applicant is advised that the storage of materials associated with the construction of the development should be provided within the site or on land which is not public highway and shall not impede use of the highway. If this is not possible, authorisation should be sought from the Highway Authority</p> <p>CONCLUSIONS</p> <p>Hertfordshire County Council as Highway Authority considers that the proposals would not have a severe residual impact on the safety and operation of the adjoining highway subject to conditions and informatives above.</p>
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APPENDIX B

Neighbour Responses

Address	Comments
Bienvenida Long Lane Bovingdon	I live next door to 'Two Bays' at 'Bienvenida'. I wish to object to this latest proposal, as although the applicant states that it will be no

Hemel Hempstead
Hertfordshire
HP3 0NE

higher than the already granted plans, it will be much higher for a much longer run and much wider from my perspective next door. It is already extremely close to the boundary towards the principal living areas of my home. It will therefore block even more south facing light and cause more overshadowing than the already granted plans.

All of the main principal bedrooms and bathrooms upstairs will be even more overlooked as well as a south facing balcony from a main bedroom which is now going to directly face a monolithic brick wall.

This will greatly affect my living amenities, privacy and enjoyment of my property. I therefore strongly object to this latest planning application.