

**4/03614/15/ROC - VARIATION OF CONDITION 3 (APPROVED PLANS) ATTACHED TO
PLANNING PERMISSION 4/02151/13/FHA (CONSTRUCTION OF NEW GARAGE).
ANNEXE AT, LITTLE MARTINS, BURY RISE, BOVINGDON, HEMEL HEMPSTEAD, HP3
0DN.**

APPLICANT: Mr Tosar.

[Case Officer - Rachel Marber]

Conclusion

This application is recommended for approval for the following reasons:

The proposed variation of Condition 3 (approved plans of planning permission 4/02151/13/FHA) is considered to consist of minor amendments which would not adversely impact upon the openness of the Green Belt, visual amenity of the immediate street scene, or the residential amenity of neighbouring residents. The proposed minor material amendments therefore remains in accordance with saved appendixes 3 and 7 and policy 22 of the Dacorum Local Plan (1991), policies CS5, CS11, CS12 of the Core Strategy (2013) and the NPPF (2012).

Site History

Little Martins Annexe is a detached dwelling which was originally constructed as a large garage to serve the neighbouring property, Little Martins. An application for a Lawful Development Certificate was granted in 2011 (4/01186/11/LDP) for the use of the detached garage as an independent dwelling, with associated amenity space. Subsequently, two separate dwellings reside on the plot which share an access drive, but have defined individual residential curtilages. Both properties however, remain under the same ownership.

A condition preserving the ancillary use of the detached garage has been attached to this permission to safeguard against use as an independent unit, and a history repeat.

Site Description

The application site is located on Bury Rise, which is a private road in Bovingdon, and resides within the designated metropolitan Green Belt. The site comprises of a detached dwelling with a long front drive. On-site parking provision is available to the front of the dwelling house and would be sufficient to accommodate at least four domestic cars.

The surrounding area is characterised by residential dwellings situated on large plots. Each property is varied in regards to material, build line, character, size and height. However, each dwelling features a generous front garden, giving the area an open, verdant character.

Proposal

Consent is sought to vary Condition 3 of planning permission 4/02131/13/FHA, which relates to the granted plans for the construction of a new garage. Condition 3 reads as follows:

"The development hereby permitted shall be carried out in accordance with the following approved plans:

110B
100A
200C
201C
Drawing D

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

The proposed variation seeks the following revisions to the detached garage:

- Insertion of a window and door;
- Amendments to landscaping;
- Location and placement within plot; and
- Size increase of 5.6m²

As witnessed from the Case Officer's site visit on the 25th November 2015, these amendments have already been implemented.

Referral to Committee

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

Planning History

4/03457/15/NMA NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02151/13/FHA - CONSTRUCTION OF NEW GARAGE
Withdrawn
06/11/2015

4/02151/13/FHA CONSTRUCTION OF NEW GARAGE.
Granted
28/02/2014

4/01186/11/LDE USE OF DETACHED GARAGE AS INDEPENDENT DWELLING (USE CLASS C3) TOGETHER WITH ADJACENT GARDEN AND HARD STANDING
Granted
10/08/2011

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy (2013)

CS5 - Green Belt

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan (1991-2011)

Policy 13 - Planning Conditions and Planning Obligations

Policy 22- Extensions to Dwellings in the Green Belt and the Rural Area

Appendix 3- Gardens and Amenity Space

Appendix 7 - Small-scale House Extensions

Summary of Representations

Hertfordshire Highways

No Objection

"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.

Bury Rise is shown as a private road. Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal to build a new detached garage will not have an unreasonable impact on the safety and operation of the adjoining highway. However, during construction there may be the risk of mud and other detritus being deposited or escaping onto Bury Rise, which then in turn could be washed down onto Box Lane. The applicant should therefore consider measures to prevent this occurring.

I recommend inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

Mud on highway AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047."*

N.B This informative has not been added to the grant permission due to works having already been completed.

Bovingdon Parish Council

Objection

"Should comply with original planning permission granted against Planning Application No. 4/02151/13/FHA."

Comments received from local residents:

Little Martins, Bury Rise

Objection (as summarised)

- Concerns have been raised by the neighbours in regards to the previous erection of a double garage which turned into a two storey dwelling.
- Laurels and associated landscaping hides the unnecessary details for a double garage
- A condition should be attached preventing no other than a garage use.

Constraints

Established residential area of Bovingdon

- Green Belt
- Special Control for Advertisements

Key Considerations

Principle of Development

The main issues to the consideration of this application relate to the impact of the garage upon the character and appearance on the Green Belt, immediate street scene and residential amenity of neighbouring properties.

Effect on openness of the Greenbelt and visual amenity of immediate area

The application site is located within the Metropolitan Green Belt where there is the presumption against inappropriate development, as advised by The National Planning Policy Framework (2012). Inappropriate development is, by definition, harmful to the Green Belt unless a case of special circumstances can be demonstrated which would outweigh this harm. Para 89 of the NPPF advises that development need not be inappropriate or result in disproportionate addition, over and above the size of the original building. Policy CS5 of the Dacorum Borough Council Core Strategy (2013)

and saved policy 22 of the Local Plan (1991) reinforce this guidance measure.

The principle of altering a dwelling house within the Green Belt would be acceptable subject to conditions relating to floor space of the proposed dwelling in order to ensure that extensions are not materially larger than a 130% increase. The proposed minor material amendment is subject to Green Belt considerations due to a proposed size increase of 5.6m². This has increased the proposal to a 118.6% size increase in floorspace, compared to the original dwelling (a minor increase from the +116.4% originally approved).

Therefore, the proposed variation has resulted in a nominal size increase which would remain appropriate development in the Green Belt; well below the 130% size increase permitted in policy 22 of the Local Plan.

This size increase has resulted in the slight plot repositioning of the proposed garage. The garage has subsequently been shifted 1 metre away from the driveway serving neighbour property, Little Martins, and 0.38 metres closer to the boundary (only at the front elevation). This has made the proposed more visible from the street scene and resulted in less of garage being submerged into the land bank.

As a result of this plot repositioning, the proposal has also sought approval to vary the approved landscaping. The heavy boundary treatment (meant to shield the proposed and in turn mitigate concerns from the Parish Council) has been reduced, in order to accommodate the revised position. However, the structure would remain partially dug into the ground and some landscaping has also been retained. The garage has also been covered and surrounding in additional screening provision in order to mitigate any externality which may have resulted from the amendments. Therefore, it is considered that the proposed minor variation in landscaping and position of the garage remains sufficient to assimilate the proposed into the surrounding landscape; no harm to the openness of the Green Belt or visual amenity of the area has resulted.

In sum, the minor variations would not further impact upon the character, appearance or openness of the Green Belt and immediate street scene.

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy. Moreover, appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The variation in size and plot position would have a nominal impact upon the outlook of neighbouring property, Little Martins due to the variation in typography levels and set in of the garage (which would remain at the rear elevation). Such a situ prevents the proposed from being overtly visible to neighbouring residents. Furthermore, the insertion of a window and door into the west elevation would not result in any loss of privacy to neighbouring residents; hence no further impact upon the amenity and privacy of neighbouring residents would result.

Summary

No impact upon key planning considerations has resulted from the proposed material amendments. As a result the proposed variations are all interrelated and considered minor in nature.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Annexe At, Little Martins.**

Reason: To ensure that the detached garage is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of policy CS5, CS11 and CS12 of the Core Strategy (2013).

- 2 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

CST 1 rev A
CST 2 rev A

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

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) Order 2015