

ITEM NUMBER: 5i

21/01625/FHA	Construction of a double garage (amended scheme)	
Site Address:	Calgary 87 Scatterdells Lane Chipperfield Kings Langley Hertfordshire WD4 9EU	
Applicant/Agent:	Mr Barry Woodham	
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Due to contrary view of the Parish Council.	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 The application is recommended for approval.
- 2.2 The proposed development constitutes inappropriate development in the Green Belt which by definition is harmful and is contrary to the NPPF and Policy CS5 of the Core Strategy 2013. However in this case it is concluded that 'Very Special Circumstances' exist to outweigh the harm. Works on a previously approved larger detached garage in the same location have commenced such that that permission remains extant and the approved garage could be constructed at any time. The current proposal is smaller and thus considered preferable and less harmful. Thus the proposal is acceptable in principle accordance with Paragraph 147/148 of the National Planning Policy Framework (NPPF) (2021) and Policy CS5 of the Dacorum Borough Core Strategy (2013).
- 2.3 The proposed new garage is also considered to be acceptable in design terms by virtue of its scale, design, detailing, bulk, mass, height, positioning and material finish. The proposed garage will not be visually obtrusive in the street scene due to it being set back from the frontage, its low roof and the existing vegetation along the front and side boundaries.
- 2.4 Furthermore, it is not considered that the proposal would adversely affect the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy.
- 2.5 Given all of the above, the proposal complies with the NPPF (2021), Policies CS5, CS11, CS12, and CS29 of the Core Strategy (2013), Saved Policy 99 and Saved Appendices 3 and 7 of the Local Plan (2004).

3. SITE DESCRIPTION

- 3.1 No. 87 "Calgary" is a modest sized bungalow property located on the north western side of Scatterdells Lane, Chipperfield, approximately 700 m east of its junction with Tower Hill. The site, which is within an area of ribbon development, is situated on the northern edge of the settlement of Chipperfield and falls within the Metropolitan Green Belt and beyond the "small village" envelope of Chipperfield. The surrounding area is characterised by a variety of detached properties.

4. PROPOSAL

- 4.1 Planning permission is sought for the construction of a double garage (amended scheme).

- 4.2 The proposed double garage would be a contemporary design with a mono pitched roof with a footprint of 5.4 metres by 5.5 metres. The roof would have an eaves height of 2.1 metres and ridge height of 2.5 metres. Materials are also contemporary in nature being aluminium wrap around, powder coated in grey with solid larch infills and a roller shutter door.
- 4.3 There has been some confusion over the description due to the manufacturers describing the structure as a car port. The materials and design are similar to that of a car port but the definition of a car port is that one side remains open and therefore the proposal is for a garage not a car port.

Background

- 4.4 4/01815/16/FHA granted planning approval for a detached garage on 9th January, 2017. This proposal also included the removal of an existing access with poor sight lines and the reinstatement of boundary screening to its former mature appearance.
- 4.5 This planning permission has commenced so the garage as approved can be constructed at any time. This is a material planning consideration in the assessment of the current scheme.
- 4.6 The approved pitched roof double garage had the same footprint as that currently proposed at 5.5 metres in length, 5.4 metres deep, but was higher at 2.35 metre high to eaves and 4.1 metres high to the ridge. The materials would be stained oak with facing brick to match the house around the two garage doors.

5. PLANNING HISTORY

Planning Applications (If Any):

21/00412/FHA - Construction of a single bay car port.
REF - 31st March 2021

4/01815/16/FHA - Proposed detached garage
GRA - 10th January 2017

4/01653/01/FHA - Flat roofs to pitched roof with accommodation to first floor
GRA - 14th November 2001

6. CONSTRAINTS

Special Control for Advertisements: Advert Spec Control
CIL Zone: CIL2
Green Belt: Policy: CS5
Heathrow Safeguarding Zone: LHR Wind Turbine
Parish: Chipperfield CP
RAF Halton and Chenies Zone: Green (15.2m)
Parking Standards: New Zone 3
EA Source Protection Zone: 3

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Parking Standards (2020)
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)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
Impact on the Green Belt;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

- 9.2 The application site is located within the Green Belt and as such, is subject to consideration against Section 13 of the NPPF and Policy CS5 of the Core Strategy 2013.
- 9.3 Paragraph 149 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. A number of exceptions are provided although the construction of residential outbuildings is not included within this list. As such, the proposals constitute 'inappropriate development'.
- 9.4 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 continues by stating that when considering any planning application, Local

Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 9.5 Policy CS5 echoes the NPPF and states that within the Green Belt, small-scale development will be permitted if it meets with one of the following exceptions:
- (a) building for the uses defined as appropriate in national policy;
 - (b) the replacement of existing buildings for the same use;
 - (c) limited extensions to existing buildings;
 - (d) the appropriate reuse of permanent, substantial buildings; and
 - (e) the redevelopment of previously developed sites, including major developed sites which will be defined on the Proposals Map.
- 9.6 The proposal amounts to inappropriate development, however it is considered that very special circumstances exist in this case to outweigh the harm.
- 9.7 A previous planning permission grants consent for a larger detached garage - 4/01815/16/FHA – and works have commenced on site such that the garage could be constructed. As the previously approved garage can be constructed at any time it is considered that this provides a fallback position and thus 'Very Special Circumstances';

Table 1: Floor Area of garage approved and that now proposed

	Ground-Floor Area (m2)
Total approved	29.7
Total proposed	29.7

The floor area of the proposed garage remains the same at that approved

Table 2: Volume

	Volume (m3)
Total approved	95.8
Total Proposed	62.4

The height of the previously approved garage exceeds that of the current proposal and the volume of the garage now proposed is approximately 34.9% less.

- 9.14 The location, siting and footprint of the garage within the site is the same as previously approved.
- 9.15 Given the volume reduction, the current proposal will have less of an impact on the openness of the Green Belt due to its scale and volume and this is welcomed.
- 9.16 It is therefore considered that very special circumstances exist and the proposed scheme complies with CS5 and those sections of the NPPF listed above.

Quality of Design / Impact on Visual Amenity

- 9.17 Despite the contemporary design, the proposed garage would be in character with the existing dwelling as it has similar contemporary components to the front elevation. The proposal in terms of design and materials is in character with the main dwelling.
- 9.18 There is a variety in residential character along Scatterdells Lane with dwellings of various sizes, designs and materials. The immediate neighbour to the west "Conway" 83 Scatterdells Lane has planning approval to demolish the existing building and construct a contemporary designed 4 bed dwelling. This building is nearing completion and as such there are already examples of modern, contemporary buildings in the area such that the garage proposed would not appear out of keeping or incongruous but would integrate well.
- 9.19 The site boundaries comprise mature hedging over 2 metres in height on the eastern side and similar hedging to the front of the site. The boundary treatment along the western side is two metre high close boarded fence with some adjacent vegetation. The existing vegetation would mean the proposed garage would not be readily visible from public vantage points.
- 9.20 The proposed double garage to the frontage of the site by nature of its design, scale, massing, siting and limited visibility would not appear as a prominent feature in the street scene.
- 9.21 The proposal complies with CS 12 with regard to design and visual amenity.

Impact on Residential Amenity

- 9.22 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.
- 9.23 Due to the scale and location of the proposed garage and its relationship with neighbouring properties, it would not be considered harmful to the residential amenity of these properties by way of loss of light, privacy or visual intrusion. The site is already well screened by vegetation to the east and along the western boundary is fencing which runs along the access to No. 85 Scatterdells Lane to the rear of the site. Even if the hedging were removed, the siting of the garage and its separation distance to the adjacent properties would ensure it would not appear dominant or intrusive for these neighbours.

Impact on Highway Safety and Parking

- 9.24 The NPPF (2021), Policies CS8 and CS12 of the Core Strategy (2013), Saved Policy 58 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.25 The application is for the construction of a double garage to the front corner of the site. It would not alter the access to the site, or reduce the parking available such that there would be no harm to the safety or operation of the adjacent lane.

Other Material Planning Considerations

Impact on Trees and Landscaping

- 9.26 The NPPF (2021), Policy CS12 of the Core Strategy (2013) and Saved Policy 99 of the Local Plan (2004) all seek to ensure that important trees and hedgerow are retained in urban and rural areas, whilst also encouraging the planting of new trees and shrubs.
- 9.27 The Trees and Woodlands Officer has no objection to the proposed scheme based on the new garage design being founded upon post/pile foundations which will have a minor impact on the root protection zone of the boundary vegetation. The planting to the front of the site has already been enhanced and ensures a satisfactory appearance to the development.
- 9.28 As part of the previous approval (which included the removal of a vehicular access) the existing planting was retained and supplemented by Laurel, Juniper and Yew planting and a Magnolia tree. The previous consent included a condition in relation to the landscaping. It is considered necessary and reasonable to impose a similar condition on this permission (see below).

Conditions

- 9.30 The previous approval removed PD rights for Class E outbuildings in order to help preserve the openness of the Green Belt. It is considered necessary and reasonable that this condition should also be applied if this application is granted.
- 9.31 As enhancement landscaping works were implemented when the second access was closed off and these do soften the appearance of the development and ensure the semi-rural feel of the area is maintained it is considered necessary and reasonable to impose an amended landscaping condition.

Response to Neighbour Comments

- 9.32 These points have been addressed above.

Comments from the Parish Council

- 9.33 The Parish Council object to the proposed design of the garage only, not the principle of a garage in this location. They consider the garage design should be consistent with the Village Design Statement.
- 9.34 It is considered due to the site being outside the village envelope and given the fact that Scatterdells Lane is very varied in its character that the proposed design would integrate into the streetscape and is acceptable. The garage as proposed is considered to relate well to the design detailing of the application dwelling and it is also important to note that the nearest dwelling to the west is a contemporary 4 bed dwelling (a recent approval) and this was deemed acceptable.

Community Infrastructure Levy (CIL)

- 9.35 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

10. CONCLUSION

- 10.1 The application is recommended for approval.

- 10.2 The proposal amounts to inappropriate development, however very special circumstances exist to outweigh the harm such that the development is acceptable in accordance with the NPPF and CS5. By virtue of its scale, bulk, positioning and design, it is not considered that the proposal would adversely affect the appearance of the dwelling or the character of the street scene. The development would not have a detrimental impact on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Furthermore, it is not considered that the proposed development would impact on any significant trees or vegetation or generate any highway or pedestrian safety concerns.
- 10.3 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS5, CS11, CS12, and CS29 of the Dacorum Borough Core Strategy (2013), Saved Policies 99 and Saved Appendices 3 and 7 of the Local Plan (2004).

11. RECOMMENDATION

11.1 That planning permission be **GRANTED** with conditions.

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin 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 constructed in accordance with the materials specified on the application form.**

Reason: 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).

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 Class E.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy September 2013.

4. **The development hereby permitted shall be in accordance with the approved site plan and landscaping details submitted with the application.**

Any tree or shrub shown on the approved site plan which within a period of five years from the date of this approval fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

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

**Site location plan
Proposed block plan
Proposed site plan
Proposed elevations**

Kappion Ultimate Carport Europort Overview - a schematic page showing general appearance including materials

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

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Parish/Town Council	CPC: Objection: This revised scheme has not addressed our concerns expressed to previous scheme 21/00412. Object due to design. No objection in principle to a car port however a Carport to front of dwelling needs to be sensitively designed consistent with Village Design Statement; for example -pitched roof with clay or slate tiles; walls in traditional weatherboard.
Parish/Town Council	CPC took due regard of granted application 4/01815 in 2017 for a similar size building in the same location which is designed in accordance with the VDS. It was the unanimous view of the members that its previous decision should stand unchanged.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	1	1	0	0

Neighbour Responses

Address	Comments
89 Scatterdells Lane,	I wish to make a couple of comments about this application:

Chipperfield	<p>I seek clarification of exactly what is intended. The application describes a single bay car port but the sketched site plan which accompanies this application shows a completely different building which will be considerably larger and importantly, significantly taller. Also, Mr Woodham's letter to Ms Palmer dated 20.4.21 is, I believe, factually inaccurate. Whilst I am unable to confirm whether work started on his previous approved application (reference 4/01815/16/FHA) for which planning permission was granted on 10 Jan 2017, certainly no visible work was commenced until last summer (2020 not 2019). This includes the second entrance to his drive which was open and unaltered in any visible way until summer 2020.</p> <p>However, if as written, the application is for a single car port, no higher than the current trees / hedging then I have no objection to its construction. The front boundary work undertaken last year is attractive and appears to have improved safe access to the property which is itself an attractive construction and design. Whilst the carport illustrated is not pretty (if that's the design proposed) it will be comparatively hidden in the new site, against my boundary.</p>
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