

ITEM NUMBER: 5d

22/01733/FHA	Conversion of Swimming Pool Building to Annexe	
Site Address:	Russett View Dunny Lane Chipperfield Kings Langley Hertfordshire WD4 9DD	
Applicant/Agent:	Mr & Mrs M Brookes	Mr Nigel Hammond
Case Officer:	Sally Robbins	
Parish/Ward:	Chipperfield Parish Council	Bovingdon/ Flaunden/ Chipperfield
Referral to Committee:	Applicant is a member of staff at DBC.	

1. RECOMMENDATION

1.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation if necessary to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

2. SUMMARY

2.1 The site is situated within the Green Belt, wherein small-scale development is permitted in accordance with Core Strategy Policy CS5. The proposed conversion of swimming pool building to habitable accommodation would comprise minimal external alterations that, by virtue of their sympathetic design, will not adversely impact upon the parent dwelling, neighbouring properties, the wider countryside, Chipperfield Conservation Area or nearby listed buildings. The proposal is therefore in accordance with Saved Policies 58, 119 and 120 of Dacorum Borough Local Plan (2004), Policies CS5, CS8, CS10, CS11, CS12 and CS27 of the Core Strategy (2013) and the NPPF (2021).

3. SITE DESCRIPTION

3.1 The application site is located on the southeast side of Dunny Lane in Chipperfield. The site is within the Green Belt and Chipperfield Conservation Area.

3.2 The application site comprises a detached bungalow set into the hillside as levels rise towards the rear of the site. The swimming pool building in question is situated to the rear of the dwelling. There are several listed buildings in the vicinity, including neighbouring Lavender Cottage, which is locally listed.

4. PROPOSAL

4.1 The application seeks full planning permission for the conversion of the swimming pool building into habitable accommodation (a residential annexe). There would be minor external alterations, including changes to window sizes/positions and a small entrance porch.

5. PLANNING HISTORY

5.1 Planning Applications:

21/04404/FHA* - Single storey rear extension, entrance porch, single storey front extension, feature gable and reconfiguration of roof, reconfiguration of windows to front elevation, reconfiguration of the floor plan, associated hard landscaping incorporating retaining walls and parking area, cladding to garage block, provision of gates and front boundary treatment and alterations to associated hardstanding. (amended description)

GRANTED - 29th April 2022

**Permitted Development Rights were removed by condition with respect to: Schedule 2, Part 1, Classes A, B, D, E and F; and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).*

4/00523/17/FHA - Extension above existing garage

GRANTED - 7th June 2017

6. CONSTRAINTS

Chipperfield Conservation Area

Former Land Use (Risk Zone):

Green Belt: Policy: CS5

EA Source Protection Zone: 3

Tree Preservation Order: 522, Details of Trees: G1 4x Common Ash, 1x Common Birch 2x Sycamore

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 - The Green Belt

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS27 – Quality of the Historic Environment

CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)

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:

- Principle of Development
- Quality of Design / Impact on Visual Amenity
- Impact on Heritage Assets
- Impact on Residential Amenity
- Impact on Highway Safety and Parking
- Other Material Planning Considerations.

Principle of Development

9.2 The application site is located in the Green Belt, wherein paragraph 150 of the NPPF states that certain forms of development are not inappropriate, provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 150 goes on to list a number of exceptions, including d) the re-use of buildings provided that the buildings are of permanent and substantial construction. The proposal also comprises a modest porch extension to the outbuilding, which, by virtue of its modest scale in relation to the existing outbuilding, is considered to be a 'proportionate' addition, and therefore also complies with paragraph 149 (c) of the NPPF.

9.3 This is supported by Policy CS5 of the Core Strategy, which states that small-scale development will be permitted, including limited extensions and the appropriate reuse of permanent, substantial buildings provided that it has no significant impact on the character and appearance of the countryside.

9.4 The alterations would mostly be internal in order to provide habitable living accommodation. Externally, there would be changes to window size/position and the introduction of a new porch with dual-pitched roof. The design and scale of the proposal is considered to be sympathetic to the surrounding area and will therefore not have a significant impact on the character and appearance of the countryside, to comply with Policy CS5.

9.5 In terms of intensification of use and preserving Green Belt openness, the outbuilding would be used as ancillary habitable accommodation for the parent dwelling, Russet View. The existing lawful use of the outbuilding for a swimming pool is also ancillary to the dwelling. Therefore, it is not considered that there would be an intensification of use, thus the proposed use will not affect Green Belt openness by reason of intensification, nor will it conflict with the purposes of including land within it.

9.6 Taking all of the above into account, the proposed conversion of the swimming pool building into habitable accommodation is acceptable in principle, subject to the below considerations.

Quality of Design / Impact on Visual Amenity

9.7 Core Strategy Policies CS11 and CS12 seek to ensure that developments are in keeping with the surrounding area in terms of scale, mass, height and appearance.

9.8 As outlined above, there would be minimal external alterations, comprising of new windows and a porch extension. The external finishes would consist of facing brickwork, dark stained timber cladding, black aluminium window and doorframes and grey slate-effect roof tiling. The retaining wall situated to the southeast of the outbuilding would be rebuilt for structural reasons.

9.9 The outbuilding is situated to the rear of the dwelling and cannot be seen from any public vantage points. Furthermore, due to the steep change in land levels and substantial boundary treatment, the outbuilding is not readily visible from surrounding properties.

9.10 Notwithstanding the above, it is considered reasonable and necessary to impose a condition requiring further details of material finishes, including for example brickwork colour, to ensure that the proposal harmonises with the existing building. Subject to the above condition, the proposed development is considered to comply with Policies CS11 and CS12 in terms of its visual impact.

Impact on Heritage Assets

9.11 The application site lies within the Chipperfield Conservation Area wherein development should preserve or enhance the character and appearance of the area in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan and Paragraph 197 of the NPPF. There are nearby listed buildings, therefore Saved Policy 119 of the Local Plan is relevant. Policy 119 seeks to ensure that any new development liable to affect the character of an adjacent listed building will retain the character and setting of the listed building

9.12 Paragraph 199 of the NPPF requires local planning authorities to give great weight to the conservation of designated heritage asset's. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.13 When considering proposals that affect non-designated heritage assets, such as locally-listed buildings, Paragraph 203 of the NPPF states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

9.14 The Councils Conservation Officer has been consulted and provided the following comments:

"The proposal would not have a detrimental impact on the setting of the listed building or the character of the conservation area. As such there would not be harm caused and therefore the balancing exercise need not apply. Any new external materials and finishes should be conditioned to match existing."

9.15 It is not considered that the proposed alterations and extensions to the outbuilding would result in any material harm to the locally listed building or Chipperfield Conservation area.

9.16 Regard is also given to Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, places a statutory duty on local authorities to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which it possesses, as well as to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

9.17 Taking all of the above into account, it is considered that the proposals would not unduly affect designated or non-designated heritage assets and the proposals would therefore comply with policy CS27 of the Core Strategy, Saved Policies 119 and 120 of the Local Plan and the NPPF.

Impact on Residential Amenity

9.18 Policy CS12 of the Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.19 There would be new, larger windows on the northeast and southwest elevations of the outbuilding. However, there are no significant concerns in relation to overlooking or loss of privacy

owing to the change in levels, substantial boundary treatment and significant separation distances from surrounding residential properties. Neither is it considered that the proposed conversion into habitable accommodation would cause disturbance to surrounding properties. The proposal complies with Policy CS12 in terms of residential amenity.

Impact on Highway Safety and Parking

9.20 The NPPF, Policies CS8 and CS12 of the Core Strategy, Saved Policy 58 of the Local Plan 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.

9.21 The proposed annexe would comprise one bedroom, which would result in a total of five bedrooms for the parent dwelling plus the annexe. The parking requirement for a five-bedroom dwelling in Accessibility Zone 3 is assessed on an individual case basis. It is noted that the requirement for a four-bedroom dwelling would be 3 spaces.

9.22 The submitted proposed site plan shows that there is ample space to the front and rear of the dwelling to accommodate 10 vehicles. Whilst this could be considered an over-provision, bearing in mind the site's rural location within the Green Belt, it is not considered that there would be any harm caused. As such, it is considered that the proposal would be acceptable in respect of highway safety and parking provision.

Other Material Planning Considerations

Environmental Health

9.23 The Council's Environmental Health team have been consulted and raise no objections in relation to contaminated land, noise, dust, air quality etc. subject to the inclusion of informative notes.

Chiltern Beechwood Special Area of Conservation (SAC)

9.24 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC). The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (Reg 63) and the Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CBSAC from harm, including increased recreational pressures. Qualifying development types include ancillary residential accommodation, such as the residential annexe proposed.

9.25 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and, once adopted, this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per annexe/dwelling.

9.26 However, at this time, in the absence of a mitigation strategy, there is insufficient evidence to allow the Council to rule out that the development would not cause additional recreational pressure to the CBSAC and that its impacts, whether alone or in combination, could be avoided or mitigated so as to ensure that the integrity of the SAC would be preserved. However, the council should continue to work pro-actively in reaching a resolution on planning applications subject to securing the above.

9.27 Therefore, should Members be minded to approve the application, it is proposed that the decision be held in abeyance until such time as a mitigation strategy has been agreed and the Council can thereafter satisfy its legal duties under the Conservation of Habitats and Species Regulations 2019 (as amended).

Response to Neighbour Comments

9.28 No objections received.

Community Infrastructure Levy (CIL)

9.29 Policy CS35 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 (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable.

10. CONCLUSION

10.1 The proposed conversion of swimming pool building to habitable accommodation would comprise minimal external alterations that, by virtue of their sympathetic design, will not adversely impact upon the parent dwelling, neighbouring properties, the wider countryside, Chipperfield Conservation Area or nearby listed buildings. The proposal is therefore in accordance with Saved Policies 58, 119 and 120 of Dacorum Borough Local Plan (2004), Policies CS5, CS8, CS10, CS11, CS12 and CS27 of the Core Strategy (2013) and the NPPF (2021).

11. RECOMMENDATION

11.1 That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

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 annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Russett View and shall not be independently occupied.**

Reason: For the avoidance of doubt and to ensure that the use of the development remains ancillary to the use of the main dwellinghouse without allowing the intensification of residential accommodation within the site, in accordance with Policies CS5 and CS12 of the Core Strategy (2013).

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

01 Rev D - Location and Block Plan
12 Rev E - NE and SE Elevations
13 Rev E - SW and NW Elevations
14 Rev E - Swimming Pool Building Floor Plan

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

Informatives:

1. Working Hours: Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

2. Construction Dust: Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.
3. Waste Management: Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.
4. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p><u>Contaminated Land:</u></p> <p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p>

Noise, Odour & Air Quality:

With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust which we respectfully request to be included in the decision notice.

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

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Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

Parish/Town Council	No comment
Conservation & Design (DBC)	The proposal would not have a detrimental impact on the setting of the listed building or the character of the conservation area. As such there would not be harm caused and therefore the balancing exercise need not apply. Any new external materials and finishes should be conditioned to match existing.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
5	0	0	0	0

Neighbour Responses

Address	Comments