

ITEM NUMBER: 5d

23/00768/FHA	Extension over and behind existing adjacent garage.	
Site Address:	Chiltern Summit Chesham Road Wigginton Tring Hertfordshire HP23 6HX	
Applicant/Agent:	Mr Peter Bickerstaff	
Case Officer:	Victor Unuigbe	
Parish/Ward:	Wigginton Parish Council	Aldbury & Wigginton
Referral to Committee:	Contrary view of Parish Council	

1. RECOMMENDATION

That planning permission be REFUSED.

2. SUMMARY

- 2.1 The application site is located in the village of Wigginton and within the Metropolitan Green Belt, wherein Policy CS5 of the Dacorum Core Strategy (2013) requires the Council to apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.
- 2.2 The proposed development – incorporating first floor side and single storey side to rear extensions – would amount to disproportionate additions over the original size of the dwellinghouse on the site, and constitute inappropriate development in the Green Belt. No very special circumstances have been shown to exist on the site, and to justify that the need for the proposed development would outweigh any potential harm to the Green Belt.
- 2.3 The proposed development would result in harm to the Green Belt by reason of inappropriateness and is therefore not acceptable in principle. The proposal is therefore contrary to Policy CS5 of the Dacorum Borough Core Strategy (2013) and the Green Belt protection advice contained in paragraph 149 of the National Planning Policy Framework (NPPF) (2021).

3. SITE DESCRIPTION

- 3.1 The site is located on the eastern side of Chesham Road, Wigginton and contains a detached originally built bungalow with main gable end roof – addressed as ‘Chiltern Summit’ – with habitable accommodation in its converted roofspace.
- 3.2 The dwelling contains a front dormer, a rear dormer and pitch-roofed and flat-roofed single storey rear extensions. There is a pitch-roofed detached garage / workshop with archway link to the northern side of the dwelling and a driveway in the front garden.
- 3.3 To the east and south-east of the site is the Champneys College of Health and Beauty, and to the south is a lodge building that serves the college. The dwelling is considerably set back from the highway, and the site’s boundaries are all have dense screens of high level trees and hedging.
- 3.4 The site is located within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty.

4. PROPOSAL

- 4.1 The application proposes a first floor side extension with new front dormer and enlarged rear dormer over the garage, and a single storey side to rear extension (projecting from the garage and lining up with the existing rear extensions).
- 4.2 The proposal is broadly the same as that proposed with a previous application (with reference 4/00607/01/FHA), which was refused planning permission on 05/06/2001.

5. PLANNING HISTORY

5.1 Planning Applications:

4/00607/01/FHA - Single and first floor extension
REF - 5th June 2001

Appeals):

4/00607/01/FHA - Development Appeal
DISMISSED – 11th November 2001

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum
CIL Zone: CIL1
Green Belt: Policy: CS5
Parish: Wigginton CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Red (10.7m)
Parking Standards: New 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
CS4 - The Towns and Large Villages
CS5 – The Green Belt

CS8 – Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – The Chilterns Area of Outstanding Natural Beauty (AONB)
CS29 - Sustainable Design and Construction

Local Plan

Policy 97 – The Chilterns Area of Outstanding Natural Beauty (AONB)

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car 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;
The impact on the appearance of the Chilterns AONB;
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 Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Policy CS5 of the Dacorum Core Strategy (2013) specifies that the Council will apply national Green Belt policy – as contained in the text of paragraphs 147 to 151 of the National Planning Policy Framework (NPPF) (2021) – to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements. Paragraph 149 of the NPPF in particular, specifies that Councils should regard the construction of new buildings as inappropriate in the Green Belt, with one of a number of exceptions to this being: ‘the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building’.

Policy CS5 clarifies that small-scale development – such as limited extensions to existing buildings – are acceptable provided that:

- i. It has no significant impact on the character and appearance of the countryside; and
- ii. It supports the rural economy and maintenance of the wider countryside.

9.3 The design and scale of the proposed development are broadly the same as those proposed with related previous application reference 4/00607/01/FHA, which was refused permission on 05/06/2001 for the following reason:

'The application site is located in the Metropolitan Green Belt wherein there is strict control over the extension and alteration of existing dwellinghouses. The proposed extension will result in a substantial increase in the bulk of the dwelling, amounting to a disproportionate addition over the size of the original dwelling house, and the proposal would therefore constitute inappropriate development in a Green Belt area. For the above reasons, the proposal is contrary to Policy 20 of the Dacorum Borough Local Plan, Policy 23 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft and national advice contained in the Department of the Environment Planning Policy Guidance Note No. 2 - Green Belts.'

- 9.4 As observed during the Case Officer visit to the site, there has been no material changes in the specific circumstances of the site since the refusal of application 4/00607/01/FHA. It is also instructive to note that even though the policies used to justify the refusal of application 4/00607/01/FHA were in place before the adoption of the current local plan, core strategy and the NPPF, the policy basis related to the protection of the Green Belt in the current plan and NPPF is similar to the previous local and national policies.
- 9.5 The original dwelling has been extended with the benefit of previous planning permissions, and as was calculated during the assessment of refused application 4/00607/01/FHA, the original dwelling had an approximate floorspace of 89.96 sq. metres (this included the floorspace of a kitchen addition to the rear). The dwelling was subsequently extended to include a lounge and new kitchen with the benefit of permission reference W/2382/70, which was granted on 15/09/1970. This permission also incorporated the relocation of an original garage. The permitted lounge and new kitchen extensions resulted in a net floor area of 28.98 square metres (40.4 square metres minus the original kitchen area of 11.42 square metres).
- 9.6 The dwelling was further extended with the benefit of permission reference 4/0872/80, which was granted on 01/07/1980. The 1980 permission involved the raising the roof of the dwelling and altering the roof from a hip to gable end to accommodate a first floor / converted roofspace. The permission also incorporated the erection of a front dormer and rear dormer, and the total floor space area resulting from the development was 61.58 square metres. The combined floor area of the existing extensions built with the benefit of the 1970 and 1980 permissions is 90.56 square metres (61.58 + 28.98), which represents a percentage increase of 100.7% over the original dwelling. The 100.7% increase in floor area for the existing dwelling is already excessively high and significantly exceeds the threshold for small scale and limited extensions relative to the size of the original dwelling.
- 9.7 The combined floor area of the extensions proposed with this current application would be 85.08 square metres (38.66 for the first floor side and 46.42 for the single storey side to rear). The 85.08 square metres floor area in combination with the floor area of the existing dwelling would result in a floor area of 175.64 square metres for the proposed enlarged dwelling. This floor area would constitute an appropriate percentage increase of 195% on the area of the original dwelling.
- 9.8 The existing garage has not been included in the floorspace calculations, given that permission reference W/2382/70 shows that there was an original garage located at the front of the dwelling. Even though information has not been provided for the volumes of the original and existing dwelling, the 195% percentage increase in floor area is such that the proposed extensions would not constitute 'limited extensions' to the dwelling. The proposed extensions would constitute disproportionate additions relative to the overall size of both the original and existing dwelling, and as such, the proposed development would constitute 'inappropriate development' in this Green Belt location.

- 9.9 It is therefore considered that any further extension(s) to the dwelling would not be limited and could not be considered proportionate. It is considered that the proposed development would result in harm to the Green Belt by reason of inappropriateness, contrary to Policy CS5 of the Dacorum Core Strategy (2013) and the Green Belt protection policy contained in paragraph 149 of the NPPF (2021).

Impact on the maintenance of the openness of the Green Belt

- 9.10 The undeveloped area over the existing garage to the side of the dwelling is such that it helps to maintain the openness of the Green Belt. The proposed development, by virtue of the first floor side extension with front and enlarged rear dormers, would result in the creation of additional upper level mass and bulk of the undeveloped area over the existing garage. The enlargement of the dwelling incorporating the undeveloped area over the garage will result in a significant adverse visual and spatial impact on the maintenance of the openness of the Green Belt. This is contrary to the Green Belt protection policy contained in the NPPF (2021), which requires Green Belt land to be kept permanently open.

Very Special Circumstances

- 9.11 Paragraph 148 of the NPPF (2021) specifies that 'very special circumstances' 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. The applicant has not demonstrated that very special circumstances exist on the site to justify the need for the development or to outweigh the harm by virtue of its inappropriateness and the loss of the openness of the Green Belt by virtue of its additional mass and bulk.

Impact on the appearance of the Chilterns AONB

- 9.12 Paragraph 176 of the National Planning Policy Framework (NPPF) advises that great weight should be given to conserving and enhancing Areas of Outstanding Natural Beauty (AONB), which are stated to have the highest status of protection.
- 9.13 Section 85 (1) of the Countryside and Rights of Way Act puts a legal requirement on public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the area.
- 9.14 Local planning policy – i.e. Policy CS24 of the Dacorum Core Strategy - requires development to have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and to support the principles set out within the Chilterns Building Design Guide. Policy 97 of the Dacorum Local Plan also remains relevant and advocates the sympathetic siting and design of structures, with colours and materials fitting in with the traditional character of the area.
- 9.15 Even though the proposed side and rear extensions would not constitute proportionate additions to the existing dwelling, they would be well-related in terms of design and materiality. The proposed extensions would retain sufficient space around the dwelling to preserve its setting within the site. The first floor side element would not project above the existing ridgeline and given the well-screened location of the site, the extensions would not be visually intrusive on the open character of the surrounding countryside. The proposed extensions would cause no significant visual impact to the countryside, as the dwelling is set in substantial grounds and is screened from public view by dense belts of hedging and trees.

Given the domestic setting of the site and the relatively secluded and isolated location of the site, the development will not significantly detract from the appearance of the AONB.

- 9.16 In summary, the proposed development would not cause any significant harm to the AONB and it follows that the proposal is in accordance with Policy CS24 of the Dacorum Core Strategy and Policy 97 of the Dacorum Local Plan. Regard has been had to the legal requirement of public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the area, which it is acknowledged is a higher duty.

Impact on Residential Amenity

- 9.17 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Dacorum Local Plan and Policy CS12 of the Dacorum Core Strategy 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 of visual intrusion, loss of light and privacy
- 9.18 The application site is located in an isolated and secluded section of Chesham Road. There is no residential property that borders the site to the north. The closest residential site – The Lodge building – is located a considerable distance to the south, whilst to the east and south-east is the expansive grounds of Champneys College. The proposed extensions would have no detrimental impact on the amenities of the adjacent neighbours at the Lodge site to the south, and given ample natural screening along the front, sides and rear boundaries, the development would be mainly hidden from public view.
- 9.19 The proposal therefore complies with the objectives of Policy CS12 of the Dacorum Core Strategy.

Impact on Highway Safety and Parking

- 9.20 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), and the Council's Parking Standards Supplementary Planning Document (SPD) (2020), all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.21 The windy driveway in the front garden has an extensive length and forms an off-street car parking area (at the northern end of the garden) capable of accommodating at least 4 cars parked safely off the highway. This adequate parking provision is such that it exceeds the maximum provision required for a 3 plus bed dwelling in that parking zone, and it therefore accords with the objectives of the Council's Parking Standards SPD (2020)

Other Material Planning Considerations

Impact on Trees and Landscaping

- 9.22 It is proposed on the submitted plans that some hedging along the northern side boundary would be pruned, but that there would be no felling of any of the trees on the site. It is not considered that any pruning works would constitute felling works and as such, it is considered that the proposal would not prejudice the retention of any significant trees on the site.

Response to Neighbour Comments

9.23 No neighbour comments have been received.

Response to Parish Council

9.24 The Parish Council expressed a support for the proposal on the following grounds:

- The extension will be over the existing garage resulting in no increase on dwelling footprint.
- Materials selected to match existing dwelling.
- Little or no visual impact on the environs.

In response to the above comments from the Parish Council, while the comments are noted, it is considered that the points raised in respect of dwelling footprint, materials and visual impact do not constitute very special circumstances that could outweigh the identified harm resulting from inappropriateness and loss of openness. The NPPF (2021) gives emphasis that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt during the consideration of any planning application.

Community Infrastructure Levy (CIL)

9.25 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.

No (below 100sqm)

Chiltern Beechwood Special Area of Conservation (SAC)

9.26 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

10. RECOMMENDATION

10.1 That planning permission be REFUSED.

Reason(s) for Refusal:

1. The application site is located in the Metropolitan Green Belt and the proposed development would amount to disproportionate additions over the original size of the dwellinghouse, constituting inappropriate development in the Green Belt. No very special circumstances have been shown to exist on the site, and to justify that the need for the development would outweigh any potential harm to the Green Belt. The development would result in harm to the

Green Belt by reason of inappropriateness, and is therefore contrary to Policy CS5 of the Dacorum Borough Core Strategy (2013) and the Green Belt policy contained in paragraphs 148 and 149 of the National Planning Policy Framework (NPPF) (2021).

Informatives:

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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
Parish/Town Council	<p>Support</p> <p><u>The Parish Council expressed a support for the proposal on the following grounds:</u></p> <ul style="list-style-type: none"> - <u>The extension will be over the existing garage resulting in no increase on dwelling footprint.</u> - <u>Materials selected to match existing dwelling.</u> - <u>Little or no visual impact on the environs.</u>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
4	0	0	0	0

Neighbour Responses

Address	Comments