

**4/02526/16/FHA - PROPOSED DOUBLE GARAGE.
BLUEBELLE, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PX.
APPLICANT: Mr & Mrs Wilbraham.**

[Case Officer - Amy Harman]

Summary

The application is recommended for approval.

Site Description

The application site is located to the north of Hogpits Bottom and comprises a detached dwellinghouse situated on a large plot, with a generous build line. The property sits within the designated Metropolitan Green Belt. The surrounding area is characterised by a variety of house types, predominately comprising detached dwellings of various architectural styles, ages and build line. The area has a verdant aspect character emphasised by the grass verge and tree lined street.

Proposal

The application is for a detached double garage situated to the east of the existing dwelling house.

Referral to Committee

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

Planning History

4/00030/16/FUL CONSTRUCTION OF UNIT CONTAINING TWO PONY STABLES AND ONE TACK AND WAGON STORAGE AREA.

Withdrawn
23/03/2016

4/02765/14/FHA CONSERVATORY AND NEW PITCHED ROOF TO EXISTING GARDEN SHED

Granted
28/11/2014

4/02766/14/FHA TWO STOREY SIDE EXTENSION

Withdrawn
27/11/2014

4/00322/13/FUL PONY STABLE AND TACK ROOM

Refused
18/04/2013

4/00910/12/FHA PONY STABLE WITH TACK ROOM, STORAGE FOR HAY AND FEEDS, CARRIAGES AND HARNESSSES
Granted

10/07/2012

4/01215/09/DRC DETAILS OF MATERIALS, SILL TREATMENT, HARD AND SOFT
LANDSCAPING AND CONTAMINATION AS REQUIRED BY
CONDITIONS 2, 3, 6 AND 8 OF PLANNING PERMISSION 4/00528/09
(DWELLING ON SITE OF DISUSED FACTORY)
Granted
23/09/2009

4/00528/09/FUL DWELLING ON SITE OF DISUSED FACTORY
Granted
19/05/2009

4/01676/06/FUL DETACHED DWELLING (AMENDED SCHEME)
Refused
25/09/2006

4/00840/06/FUL DETACHED DWELLING
Withdrawn
20/06/2006

4/01183/03/OUT DEMOLITION OF EXISTING FACTORY AND CONSTRUCTION OF A
NEW DWELLING
Refused
24/07/2003

4/01446/00/LDE FACTORY FOR MANUFACTURE OF WINDOW FRAMES AND YARD
FOR STORAGE OF BUILDING MATERIALS
Granted
13/12/2000

4/02969/07/PRE NEW DWELLING
Unknown
21/04/2008

4/00835/14/PRE EXTENSION, CONSERVATORY AND SWIMMING POOL
Unknown
13/06/2014

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS5 - Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS25 - Landscape Character
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 22,110
Appendices 3,7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Flaunden Parish Council

Object;

We believe this proposed garage building will materially affect the openness of the countryside and is therefore contrary to policy CS5. The proposed building has a floor area of 50sqm and roof height of over 5m it is also only 1 metre from the neighbours boundary

With the original granting of planning permission for this property in 2009 (4/00528/09/FUL), Permitted Development rights were removed for the following reasons:

To enable the local planning authority to retain control over the development in the interests of maintaining the openness and visual amenities of the Green Belt'.

The Inspector's recommendations, which were made in granting the 2009 application, were that *'the overall size of the building would be limited in size and essentially single storey with the appearance to be that of a cottage with an attached barn'*. The inspector further recommended a 10m border to the boundary.

Planning Officer's comments in 2009 were:

No garaging is proposed. However, clearly any garaging in addition to the floorspace proposed, (notwithstanding the very special circumstances considered to exist for the additional floorspace) would impact further on the openness of the GB, and therefore would be inappropriate. Removal of pd for outbuildings, as well as extensions, would be expedient to maintain control.

This proposal is therefore contrary to the recommendations made by both the planning officer and the inspector.

Hertfordshire County Council - Highways

No objection

Response to Neighbour Notification / Site Notice

Hedgerow

As I am required make comments by reference to “material planning considerations” I would cite the following:--

1. In encroaching to within 1m of my property the proposed development will cause a loss of light and overshadowing to my property. This will be particularly noticeable in late afternoon and early evening as my boundary faces west and currently enjoys a favourable view of the setting sun, which will become obscured and lead to increased shadow, from early afternoon, in spring and summer months.
2. Similarly in encroaching nearer to my boundary, we will experience overlooking and suffer a loss of privacy. When we first moved into our property we were not overlooked in any way as the previous structure was both derelict/uninhabited.
3. I believe we will experience greater noise intrusion due to the proximity (1m) to our boundary. This there is potentially a source of disturbance.

The proposed development will undoubtedly be a visual intrusion on our view and general environs, it also impacts on the rural setting currently enjoyed from our garden, where we like to spend a lot of time

Considerations

Key Considerations

The main planning considerations in the determination of this application are:

- The Principle of the Development in the Green Belt
- The Quality of the Design and Impact on Character and Appearance of the Area
- Effect on Amenity of Future Occupiers and Neighbours
- Trees and Landscaping
- Highways Safety and Parking Provision

Policy and Principle of Development in the Green Belt

The proposed garage is considered as an extension to the existing dwelling (all forming part of the one planning unit). If the garage was not considered as an extension to the main house, all outbuildings within the green belt would be considered inappropriate in policy terms. This approach has been adopted in number of planning appeals including APP/A1910/A/11/21555606.

The National Planning Policy Framework (henceforth referred to as the Framework) states that the extension or alteration of dwellings is not inappropriate in Green Belts, provided that it does not result in disproportionate additions over and above the size of the original building (para. 89). Policy CS5 is broadly consistent with the advice within Section 9 of the Framework. However, this policy states that 'limited extensions' to existing buildings will be permitted. Policy 22 (not listed within 'policies' above) of the existing Local Plan expands upon this, stating that within the Green Belt, the resultant building (following extensions) should be less than 130% of the floor area of the original dwelling. In this regard Policies CS5 of the Core Strategy and Policy 22 of the Local Plan are inconsistent with the relevant section of Paragraph 89 of the Framework, which has no prescribed limiting mathematical figures and instead refers to an assessment in terms of proportionality with regards to the original building. Accordingly, more weight is given to the Framework and Policy CS5 in this assessment.

Permission for extensions to existing dwellings within the Green Belt will be allowed only where the proposal would not individually or when considered with existing extensions to the original building, result in a disproportionate increase in the size of the original building. For the purpose of this application, a comparison must be made with the original building.

There are a number of ways in which an extended property can be compared to an original building in order to assess whether or not an addition is disproportionate in size. The additional floor area added to the original building is one commonly used indicator, however, each and all other factors, including the proposed additional cubic content, the increase in footprint and any increase in height are also relevant and capable of being taken into account.

| | | |
|-------------------------|--------------------|---------------------------------------|
| Original dwelling; | 278.64 sq.m. | |
| Conservatory extension; | <u>48.46</u> sq.m. | |
| Total; | 327.10 sq.m. | Which represents 117% of the original |

| | | |
|-------------------|-------------------|---------------------------------------|
| Proposed garage ; | <u>51.68</u> sq.m | |
| Total ; | 378.78 sq.m. | Which represents 136% of the original |

[It should be noted here that the previous application for the conservatory took into account the outbuildings however it is considered this was unreasonable to include non-residential curtilage buildings in the calculation].

The floor space of the original dwelling has been calculated to be approximately 278.64m². The proposed development would result in a unit with a floor area of approximately 51.68m². This together with the conservatory, the proposed development would result in an increase in floorspace of 136% when compared to the original building and this is considered to amount to a proportionate increase to the size of the original dwelling in this regard.

However, the above test is not conclusive as the Framework test is primarily an objective one based on size in the context of the application site. The proposal would add a single storey garage to the side of the existing house, the pitch of the roof and the fact that it is concealed at the lower part of the site would result in the garage having a minimal impact on the locality. As such, the garage would not be seen as a sizable increase in volume and built development on this site. In this respect, it is also considered that the proposal would be proportionate to the original, representing appropriate development.

Accordingly, the proposal is considered to represent a proportionate addition to the original building and is therefore not contrary to the Framework and Policy CS5 of the Core Strategy and Policy 22 of the Local Plan.

Furthermore, it is prudent to assess whether the proposal would comply with the five purposes

of including land in the Green Belt.

The proposal is not located within a large built up area and due to its limitation to an extension of an existing dwelling, on an existing plot, it would also not contribute towards neighbouring towns merging into one another or threaten the countryside significantly from encroachment. Finally, given the nature and location of the proposal, it would not impact upon the setting and special character of historic towns or fail to assist in urban regeneration.

Due to the location of the proposal, the minimal cumulative addition to the built form of the site which the proposal seeks, it is not considered to represent an adverse impact on the openness of the Green Belt. Hogpitts Bottom has a strong build line and Bluebelle itself is set back from the road behind a mature hedgerow. The proposal would, therefore, not result in additional harm to the openness of the Green Belt due to the location and scale of works.

In addition, in support of Policy CS5, the proposal represents an opportunity to support the rural economy through the employment of local builders and support local material suppliers.

In conclusion, the proposal is not considered contrary to the purposes of including land in Green Belt.

The proposal is considered to represent a proportionate to the original dwelling house and thus is not contrary to the Framework and Policy CS5 of the Core Strategy and Policy 22 of the Local Plan.

Effects on appearance of building and street scene

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions

The proposed development would result in a single storey garage set to the eastern side of the existing dwelling, the garage would measure 6.8 metres in depth, 7.6 metres wide and a maximum of 5.1 metres in height (only 4 metres above adjacent ground level). There would also be a gap of approximately 1m between the eastern elevation of the building and the adjacent flank boundary of the site and would be set back approximately 10m from the main road.

Given that the height of the application building and that it would be subordinate to the surrounding units and that the property would be set back from the main road by a considerable distance, it is not considered that the proposal would result in a dominant or visually intrusive feature within the streetscene. Furthermore, given that the existing unit is built upon the eastern boundary of the site, the nearest built form to the east of the application building would be a minimum of 3 metres away and that there would be a gap of 1m between built form and the eastern site boundary, it is considered that sufficient space would be left about the unit. As such, the host building would not appear cramped or overdeveloped upon its plot.

Turning to the design of the proposal, the development would be finished with black stained boarding with reclaimed red/brown multi-facing brickwork plinth. The roof would be constructed of reclaimed clay plain tiles and the doors would be of stained timber. These materials would harmonise well with the host building and assimilate well into the streetscene.

Taking all of the above into account, the development would be visually acceptable and would not result in harm to the immediate streetscene and the visual interests of its wider

surroundings. As such, the proposal is in accordance with relevant identified policies within the Core Strategy and the Local Plan (and associated guidance) and the relevant provisions of the Framework.

Flaunden Parish Council have made reference to The Inspector's recommendations, which were made in granting the 2009 application, which are; *'the overall size of the building would be limited in size and essentially single storey with the appearance to be that of a cottage with an attached barn'*. The inspector further recommended a 10m border to the boundary.

However this application has been assessed according to the current policy context and the proposal against the dwelling as now built. Dacorum do not have policies which specifically restrict spacing between built development and the property boundaries. For the reasons given above the proposal is considered acceptable.

Impact on Neighbours

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings

The proposed single storey garage would be set down from the adjacent property at Hedgerow set at the existing drive level, would be single storey and would retain a spacing of one metre to the boundary fence. There are no windows proposed on the east flank elevation of the garage, and therefore would not afford direct views of the primary private amenity space which benefits Hedgerow, the privacy of this unit would be preserved.

There are no windows on the west flank elevation of the adjacent property (Hedegreow). There is a window on the front (south) elevation of Hedgerow however it has been demonstrated that there is no breach of the 45 degree line taken from the centre of this window. As such, the proposal would not result in significant harm to the living conditions of the occupants of Hedgerow in terms of overbearing, overlooking and loss of light. Single storey, land levels and orientation of the site – south facing.

Overall, the proposal would not detrimentally impact upon the living conditions of surrounding residential units, in terms of overbearing, overlooking and loss of light. The proposal therefore complies with relevant local and national policy in this regard.

It is not considered that it could be argued that the proposal could add to additional noise to the adjacent property.

The neighbour at Hedgerow has objected to the proposed garage, however all their concerns have been addressed above.

Impact on Trees and Landscaping

No effect

Impact on Highway Safety

No change to access arrangements.

With regards to parking, it is considered that the proposal meets maximum parking standards as contained within Saved Appendix 3 of the Dacorum Borough Local Plan.

Other Material Planning Considerations

Currently the property does not benefit from permitted development rights as this was restricted when the original dwelling was granted planning permission in 2003. This was purely to retain control over additions to the dwelling as opposed to prevent any additions being allowed. For the reasons set out above, the proposed garage is acceptable.

Community Infrastructure Levy (CIL)

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 Liab due to resulting in less than 100m² of additional floor space.

Conclusions

The proposal for a garage is considered acceptable given the consideration of the impact on the openness of the Green Belt. The garage is located in a suitable location adjacent to the existing residential dwelling, therefore there would be no material harm to the Green Belt. The development would be visually acceptable and would not result in harm to the immediate streetscene and the visual interests of its wider surroundings. There is no significant impact on neighbours.

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

- 1 **The development hereby permitted shall be begun 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 carried out in accordance with the following approved plans/documents:**

420/4
420/05
420/06
420/07

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

- 3 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development in accordance with Adopted Core Strategy CS12

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) (Amendment No. 2)

Order 2015.