

**4/01350/15/FUL - DEMOLITION OF EXISTING DWELLING AND THE CONSTRUCTION OF NEW DETACHED DWELLING.
ORCHARD LODGE, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JN.
APPLICANT: Mrs Lyons.**

[Case Officer - Emily Whittredge]

Summary

The application is recommended for refusal.

The proposed replacement dwelling exceeds the size of the existing dwelling on the site in floor area, site coverage, volume, height, bulk and visual appearance. The dwelling would be materially larger and therefore more harmful to the openness of the Green Belt than the existing dwelling. The proposal is therefore contrary to the NPPF, Policy CS5 of the Dacorum Core Strategy and Policy 23 of the Dacorum Local Plan. No very special circumstances have been advanced to justify the harm caused to the Green Belt by reason of inappropriateness.

Site Description

The application site is currently occupied by a detached chalet bungalow at the north west end of Megg Lane outside the Chipperfield village envelope. The dwelling features a semi circular driveway to the front with partial screening from the highway by a hedge and mature trees. The property is set within a large garden with mature herbaceous borders. The site falls gently towards the highway and the neighbouring dwelling to the south east. The house itself comprises a cottage-like form with a long, low catslide roof at the rear, joined in a perpendicular orientation to a timber framed wing on the north west side.

Megg Lane features detached dwellings of varying styles and sizes, many of which have been extended. The spacing of dwellings in Megg Lane varies; but most, including those nearest the application site, are generously spaced and set within large plots.

Proposal

The application seeks to replace the existing chalet bungalow on the site with a two storey dwelling of contemporary design in the same location. The dwelling would be boxy in form with two large gables facing the highway and large areas of glazing. It would feature an integral double garage.

Referral to Committee

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

Planning History

4/01967/89/4	SINGLE STOREY SIDE EXTENSION AND FORMATION OF ROOMS IN ROOF Granted * 22/02/1990
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* NOT IMPLEMENTED

4/01209/89/4 SINGLE STOREY SIDE EXTENSION AND FORMATION OF ROOMS IN ROOF
Refused
19/09/1989

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS5 - The Green Belt
CS8 - Sustainable Transport
CS12 - Quality of Site Design
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

22 - Extensions to Dwellings in the Green Belt and the Rural Area
23 - Replacement Dwellings in the Green Belt and the Rural Area
99- Preservation of Trees, Hedgerows and Woodlands
Appendices 3 & 5

Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Chipperfield Parish Council

No objection.

Hertfordshire Ecology

From the photos provided, the roof appears to be in good condition with well-sealed tiles. The neighbourhood has a fair number of scattered and clustered mature trees,

blocks of woodland, and woody hedgerows, and we do have records of bats roosting in buildings within 500m. The woody habitats would certainly offer suitable foraging and commuting opportunities for bats and we know they are in the area.

Without seeing further evidence ourselves of the age and structure of the building (e.g. close up photos of the roof tiles; soffits; internal loft spaces, roof lining, beams, floor / insulation; any areas of hanging tiles / boarding on the walls) which may help us discount the likelihood of bats entering and/or roosting in the dwelling, I would recommend a bat assessment is undertaken by a professional bat ecologist.

Thus, based on the current information - I believe it is reasonable to advise that **the LPA should require an initial inspection survey of the property by a professional, licensed bat consultant to assess whether bats, or evidence of them, are present and will be affected by the proposals.** Such surveys can be undertaken at any time of year. In the event that evidence or high potential is found, additional roost activity surveys may be required with appropriate recommendations, although these can only be undertaken when the bats become active after hibernation (typically May – early September). The survey report should be submitted to and approved in writing by the Local Planning Authority.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None received.

Considerations

Policy and Principle

The main issues are:-

- a) whether the development is inappropriate for the purposes of Government Planning Policy in the National Planning Policy Framework (NPPF) and Development Plan policy;
- b) the effect of the development on the openness of the Green Belt;
- c) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Policy CS5 states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

Within the Green Belt, small-scale development will be permitted including the replacement of existing buildings for the same use, provided that: it has no significant impact on the character and appearance of the countryside; and it supports the rural economy and maintenance of the wider countryside.

The site lies outside the village envelope wherein Green Belt Policy CS5 applies. Within the Green Belt, the replacement of existing buildings for the same use is permitted provided that it has no significant impact on the character and appearance

of the countryside; and it supports the rural economy and maintenance of the wider countryside.

Saved local plan Policy 23 states that any replacement dwelling should not be larger than the dwelling which it replaces; or the original dwelling on the site plus an allowance for any extension that would have been permitted under Policy 22. Policy 22 permits the extension of a dwelling in the Green Belt up to 30% of the floor area of the original dwelling. The original dwelling would be defined as the dwelling as it stood in 1948. In terms of size, a replacement dwelling is one with the same building footprint, floor area and volume.

Effect on the Openness of the Green Belt

It is unclear from the planning history what part of the current dwelling existed in 1948 as the 'original' dwelling but historic OS plans indicate that only part of the current building existed in the 1920s. It has not been possible to establish from OS plans or the planning history the size of the house in 1948. The existing house has not been materially extended since the planning application in 1989, so the size of the existing house will be used for the purposes of assessing the current proposal.

The proposed replacement is substantially larger in size than the existing building, in height, width, footprint and volume. The dwelling would be nearly double the existing bungalow in height and approximately 30% wider, introducing a prominent, high frontage with two gable ends and large areas of glazing and a horizontal detail that further emphasizes the additional storey. In contrast, the existing dwelling has a catslide roof that represents significantly less bulk than the boxy profile being proposed, which includes a wide, flat area of roof. In all respects, the replacement dwelling would be materially larger than the existing bungalow as defined by the NPPF. It is, by definition, inappropriate development in the Green Belt.

Impact on Street Scene

The proposed design departs from the rural character of many of the nearby dwellings, but there is a variety of architectural character in the lane, and it is not considered that the design would be significantly harmful to the area. The dwelling would be partly screened by the mature boundary treatment, and further, is located at the end of the lane where its presence would be reduced. The development would have much greater prominence in the street scene than the current building and in addition to the increase in size and height, it would be very close to the boundary and the adjoining dwelling. By reducing the space around the dwellings, and narrowing the gap, the openness of the Green Belt would be further harmed.

Impact on Neighbours

There would be an acceptable impact on adjoining occupiers. The Cottage to the south east has no side-facing windows and the proposed flank windows serve ensembles and could be obscure glazed. The replacement dwelling would be nearly in line with the rear wall of the cottage and impact on daylight and sunlight would not be significant. The replacement dwelling would, however, be nearer the boundary to the adjoining two storey dwelling, and the eaves would be twice the height of the existing catslide roof. Owing to the difference in site levels, the increased height and proximity to the boundary, the development would have some impact on the adjoining patio but

the adjoining site is very wide and the impact would be limited.

Impact on Trees and Landscaping

No trees are proposed to be removed from the site. Tree protection measures would normally be required by condition for an approval.

Impact on Highway Safety

There would be no change to access arrangements. The proposal would provide sufficient car parking within the site.

Very Special Circumstances

No very special circumstances have been advanced as part of the application, although plans illustrating a permitted development 'fall back' position were submitted at a later date. It is acknowledged that the existing bungalow has permitted development rights to extend, and that significant floor area could be added to the dwelling. These extensions, however, would be single storey and could not result in a building of this scale, with particular reference to the proposed height, width and volume. The impact on the openness of the Green Belt of a chalet bungalow with a larger footprint would not be as great as the proposed replacement dwelling.

There is case law that finds a clear intention must be shown by the applicant to implement the fall-back position. It has not clear that there is a likelihood of these works being carried out; however, I consider that the resulting building would provide the floor space needed for a functional family house, should the current application fail.

The scale of extensions that could be added to the dwelling would have less bulk, height and visual impact than the proposed dwelling, and for this reason It is considered that the fall-back position does not provide such very special circumstance to justify the harm caused by reason of inappropriateness and the openness of the green belt.

RECOMMENDATION - That planning permission be **REFUSED** for the following reasons:

The proposed replacement dwelling, by virtue of its floor area, volume, height, bulk and visual appearance would be materially larger than the existing dwelling. The development would therefore constitute inappropriate development which would also further impact on the openness of the Green Belt. No very special circumstances have been advanced to justify this harm in terms of inappropriateness and the harm to the openness of the green belt. The proposal is therefore contrary to the NPPF, Policy CS5 of the Dacorum Core Strategy and Saved Policy 23 of the Dacorum Local Plan.