

5e 3/14/0026/FP – Two-storey side extension with replacement garage at 3 Broad Green Wood, Bayford SG13 8PS

Date of Receipt: 07.01.2014

Type: Full – Other

Parish: BAYFORD

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION:

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

1. The cumulative impact of the existing and proposed extensions would disproportionately alter the size of the original dwelling and would intrude into the openness of the Metropolitan Green Belt. The proposal thereby constitutes inappropriate development in the Green Belt contrary to policies GBC1 and ENV5 of the East Herts Local Plan Second Review April 2007, and national planning policy guidance set out in the National Planning Policy Framework. The harm by inappropriateness to the Green Belt and other harm identified are not outweighed by very special circumstances to justify the grant of permission.
2. The proposed two-storey side extension, by its width at first-floor level, would be detrimental to the openness and visual amenity of the Metropolitan Green Belt and harmful to the spacious layout of dwellings around the central green. It would thereby be contrary to national planning guidance in section 8 of the National Planning Policy Framework, and the requirements of policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended), East Herts District Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework. The Council would encourage the applicant to discuss alternative acceptable proposals through its published pre-application advice service.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It comprises a semi detached dwellinghouse, attached to number 4 Broad Green Wood to the east and with a garage attached to that of number 2 to the west. It forms part of an isolated group of semi-detached dwellings laid out around a central green within a wooded countryside area.
- 1.2 The dwelling has previously been extended to the rear with a conservatory, and to the side with a first floor extension. A Certificate of Lawfulness was also granted, in February of this year, for two outbuildings in the rear garden.
- 1.3 The current proposal seeks permission for a two-storey side extension to the house and a single-storey garage/workshop extension projecting to the front of the property. This would replace the existing garage and utility rooms and the previously approved first-floor side extension.
- 1.4 The application is reported to the committee at the request of Councillor L Haysey.

2.0 Site History:

- 2.1 The relevant planning history for the site is as follows:
 - 3/96/1135/FP – First-floor side extension – Approved October 1996.
 - 3/02/2124/FP – Conservatory – Approved December 2002.
 - 3/14/0028/CL – Timber frame garden studio and shed – Approved February 2014.
- 2.2 There is also a significant history of applications for extensions to other dwellings within Broad Green Wood, including a 2008 appeal decision which is copied to this report as Essential Reference Paper 'A'. This decision is relevant to the consideration of this application and is considered in more detail later in this report.

3.0 Consultation Responses:

- 3.1 The County Highways Authority has noted that Broad Green Wood is a private road and there are no significant implications for the public highway as a result of the development. They do not therefore wish to restrict the grant of permission.

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3.2 The Landscape Officer considers that the proposal is non-contentious in landscape terms.

4.0 Bayford Parish Council Representations:

4.1 Bayford Parish Council has not commented on the application.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 One letter of objection has been received from a neighbour which can be summarised as follows:

- The houses are conservative in style, and no. 3 has already been extended significantly.
- The first-floor side extension should not come closer to the boundary, as it would have an oppressive effect and not be in keeping with Broad Green Wood.
- The proposed window arrangement would cause additional overlooking; They request that no new windows be placed in the side elevation.
- The proposed window to the front of the roof would be out of keeping with the character of the neighbouring houses and would set a precedent for others to have similar windows, spoiling the established character.
- The ground-floor separation of the properties as a result of the revised garage/workshop would appear out of keeping with the character of Broad Green Wood.
- The proposed roof to the garage would appear out of keeping with the character of Broad Green Wood.

5.3 Within the application, the applicant submitted the results of a consultation process which they undertook with their neighbours showing that the majority of local residents did not object to the proposals. No additional letters of representation, apart from the above objection, were received as a result of the application process itself.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

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GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria

6.2 The policies of the National Planning Policy Framework (NPPF) and the guidance given in the National Planning Practice Guidance (NPPG) are also a material consideration in the determination of this application. In particular, Officers attach significant weight to paragraphs 79 and 89 of the Framework, which state:

- “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.” (para.79); and
- “ A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:.....
-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.” (para 89)

6.3 The Draft District Plan is currently undergoing public consultation. At present little weight can be given to the policies in the Draft Plan.

7.0 Considerations:

7.1 The site lies within the Green Belt. The main considerations are whether the extent of development proposed is appropriate in principle in the Green Belt or, if not, whether there are ‘very special circumstances’ to justify inappropriate development.

7.2 In addition, the impact of the development on the openness of the Green Belt and the impact of the extensions on the character of this residential area within a countryside location needs to be considered.

Green Belt

7.3 Policies GBC1 and ENV5 of the Local Plan state that ‘limited’ extensions to dwellings in the Green Belt will be acceptable, and this is consistent with the guidance given in the National Planning Policy Framework (para. 89).

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- 7.4 The house, as originally constructed, has a floor area of approximately 130 square metres. An existing conservatory at the rear of the property, approved in 2002, has a floor area of 32 square metres.
- 7.5 The total increase in floor area from the existing and proposed extensions would be approximately 111 square metres, or an 85% increase above the floor area of the original dwelling.
- 7.6 Officers consider that the proposed further additions to the property cannot be regarded as 'limited' as required by policies GBC1 and ENV5 of the adopted Local Plan and would thereby result in a disproportionate enlargement of the original dwelling which would intrude into the openness and rural qualities of the surrounding area. This would therefore constitute inappropriate development in the Green Belt, contrary to Local Plan policy GBC1 and the NPPF. Members will note that the appeal inspector, in reaching a decision on a similar application at number 6c Broad Green Wood also identified that extension (a 72% increase in floorspace) as inappropriate in the Green Belt. That decision, in respect of application ref: 3/08/0777/FP, is attached to this report as **Essential Reference Paper 'A'**.
- 7.7 The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering any planning application, it states that the local planning authority should ensure that 'substantial weight' is given to any harm to the Green Belt and it states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is 'clearly outweighed' by other considerations.
- 7.8 It is therefore necessary to determine whether there are any other considerations in this case that 'clearly outweigh' the harm identified in this case.
- 7.9 In addition to the harm by inappropriateness, Officers consider that additional harm would result from this proposed extension in terms of its impact on openness and its impact on the visual quality of the surrounding area. These matters are discussed in more detail below.

Other Harm

- 7.10 The first-floor side extension would result in a substantial reduction in the separating distance between nos. 2 and 3 Broad Green Wood at first-floor level.

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- 7.11 The resulting extension would be set only 1 metre away from the shared boundary with no. 2. Whilst policy ENV6 of the Local Plan indicates that a minimum of 1.0m should be left between properties when they are extended at first floor level to the side, that is a minimum acceptable distance and each application has to be considered on its own merits with regard to the context of the site and the particular characteristics of the area.
- 7.12 In this case, the Council has consistently recognised Broad Green Wood as possessing a distinctive open character that requires additional protection. Side extensions above ground floor level have, to date, preserved views through to the woodland that lies to the rear of these properties and Members will note from the appeal decision at **Essential Reference Paper 'A'** that the appeal inspector also supported this view.
- 7.13 There have been no permissions granted for first-floor side extensions that would cause a loss of openness to the extent proposed in this case. A summary of decisions taken regarding two-storey or first-floor side extensions in Broad Green Wood is provided as follows:
- 3/88/0792/FP – Two-storey side extension and garage – Approved August 1988 – No. 9, distance of 2.7 metres to the flank boundary.
 - 3/90/2098/FP – Two-storey front and side extension and rear lean-to greenhouse – Approved January 1991 – No. 6A, distance of approximately 2.8 metres to the flank boundary.
 - 3/93/0680/FP – Two-storey extension – Approved June 1993 – No. 1A, distance of approximately 4.0 metres to the flank boundary.
 - 3/94/0489/FP – Two-storey side extensions and alterations – Approved May 1994 – No. 12, distance of approximately 3.0 metres to the flank boundary.
 - 3/96/1135/FP – First-floor side extension – Approved October 1996 – No. 3, distance of 4.0 metres to the flank boundary.
 - 3/97/0208/FP – Double storey side extension – Approved April 1997 – One Oak (6d), distance of 3.1 metres to the flank boundary.
 - 3/01/0295/FP – Two-storey side and single-storey rear extension with new roof to garage – Approved May 2001 – No. 10, distance of 2.7 metres to the flank boundary.
 - 3/01/0437/FP – Two-storey front extension, first-floor side and rear extension – Approved August 2001 – No. 1C, distance of 2.6 metres to the flank boundary.
 - 3/01/1480/FP – Double-storey side extension – Approved September 2001 – No. 6B, distance of 3.0 metres to the flank boundary.

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- 3/06/1592/FP – Two-storey side extension – Approved September 1996 – No. 4, distance of 3.3 metres to the flank boundary.
- 3/07/0999/FP – Part single, part two-storey, front, side and rear extension with front and rear dormers – Approved June 2007 – No. 1A, distance of 4.0 metres to the flank boundary, no increase in width at first-floor level (see 3/93/0680/FP above).
- 3/08/0777/FP – Single-storey rear extension and two-storey side extension – Refused June 2008 – Appeal dismissed February 2009 – No. 6C, distance of 1.5 metres to the flank boundary. Copy attached.
- 3/09/0040/FP – Single-storey rear extension and two-storey side extension – Approved March 2009 – No. 6C, distance of 3.0 metres to the flank boundary.

7.14 Properties in Broad Green Wood are broadly similar in appearance, typically semi-detached two-storey houses with attached, linked garages. Many properties have been altered through extensions and alterations, and this has introduced some diversity, but nevertheless the spacious character and woodland setting of this group of houses has been retained.

7.15 The loss of space between the site and its neighbour in this case would contradict these earlier decisions, including the Inspector's dismissal of 2008 when only a separation of 1.5 metres to the boundary was proposed. This would result in a loss of openness between the two properties. Although no. 2 has not been extended at first-floor level, any extension that may be submitted would further reduce the spacing between the properties. It is therefore essential to ensure that the design of any proposed extension takes account of potential future development as well as the existing situation.

7.16 An extension of the width proposed at first-floor level would result in an unacceptable loss of openness in this Green Belt location. Officers consider that, while an alternatively designed extension may be acceptable, the design and layout of this proposal would fail to preserve the character of the area and openness of the Green Belt, contrary to policy GBC1 of the Local Plan and the requirements of the NPPF.

Other matters – Neighbour amenity

7.17 The extension would include 1 flank first-floor window, and 1 first-floor rear window to the main bedroom. This would be the same number of windows as presently exist previously constructed extension. Although they would be closer to the boundary with no. 2, Officers consider that

the overall impact would be comparable on neighbour amenities. In the event that the application were to be approved, Officers would recommend a condition requiring that the first-floor flank window be fitted with obscured glazing to prevent direct overlooking of the garden area to the immediate rear of no 2.

- 7.18 The development would cause the separation of nos. 2 and 3 from linked detached to completely detached properties. This separation would be uncommon in the street scene, with the majority of the properties being linked to their otherwise detached neighbours through adjoining garages. However, Officers consider that, on balance, the ground floor separation of the properties would not result in harm to the character of the Broad Green Wood street scene that would support a refusal of planning permission.

Very special circumstances put forward

- 7.19 The applicant argues that special circumstances exist to justify the development as the extension provides an opportunity for upgrading the insulation of the house and for providing energy efficiency measures such as solar water heating. They also consider that the proposal is similar to others nearby and would sit well in the overall context of the street scene.
- 7.20 Officers consider that these matters do not amount to 'very special circumstances' that would 'clearly outweigh' the harm caused to the Green Belt in this case (as set out above). Whilst the benefits of insulation and other sustainability benefits are welcomed of course; these can equally be carried out without the need for an extension of this size and scale.
- 7.21 Officers do note that other properties in Broad Green Wood have been extended to the rear, front, side or a combination of the three. These extensions have, however, been carefully designed to maintain openness in this Green Belt location, as well as maintaining a reasonable degree of separation between the dwellings. Previous approvals for house extensions within Broad Green Wood have also ensured relatively limited extensions of up to approximately 50% of the original floor area of the house.
- 7.22 Provided extensions are well designed and sited and respect the character of an area then large extensions may be acceptable in the Green Belt. The properties have sizable rear gardens, and are separated at first-floor level by the attached garages that lie between otherwise detached neighbours. In allowing first-floor side extensions to

other dwellings in general the width of a single garage has been retained to enable views to the rear woodland and a sense of spaciousness to prevail.

- 7.23 Very special circumstances are not however considered to exist in this case that would clearly outweigh the in-principle harm arising from cumulative extensions of the scale proposed.

8.0 Conclusion:

- 8.1 The cumulative scale of the existing and proposed extensions to the house would amount to a disproportionate enlargement of the original dwellinghouse. It therefore amounts to inappropriate development in the Green Belt which, by definition, is harmful to it. The development should not therefore be approved unless there are other material considerations which clearly outweigh the harm identified.
- 8.2 The proposed side extension would also result in substantial harm to the openness of this Green Belt location and to the spacious setting and character of the area by the reduction in space between the application property and the neighbour contrary to established practice for the area.
- 8.3 The very special circumstances put forward in this case do not, in Officers view, clearly outweigh the harm to the Green Belt and the development would thereby be contrary to policies GBC1 and ENV5 of the East Herts Local Plan Second Review April 2007, and the requirements of the National Planning Policy Framework. It is therefore recommended that planning permission be refused.