

3/14/0928/FP – Demolition of existing dwelling and erection of detached replacement dwelling with 4 front rooflights and 4 rear dormers, a basement, a glazed link, triple garage and covered swimming pool at Hedgegrove Farm, Pembridge Lane, Brickendon, Broxbourne, Herts EN10 7QR for Mr L Williamson

Date of Receipt: 21.05.14

Type: Full – Minor

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Boundary walls and Fences (2E07)
4. Approved Plans (2E10) (insert “11259-P-010; 11259-P-011; 11259-P-012”)
5. Samples of Materials (2E12)
6. Withdrawal of PD Rights Part 1 Class A. (2E20)
7. Withdrawal of PD Rights Part 2 Class A. (2E21)
8. Withdrawal of PD Rights Part 1 Class E. (2E22)
9. No external lighting (2E26)
10. Materials arising from demolition (2E32)
11. Landscape Design Proposals (4P12)
12. Landscape Implementation (4P13)
13. Tree Planting (4P15)

Directive

1. Other Legislation (01OL)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies the previous approvals 3/09/1923/FP and 3/11/1391/FP is that permission should be granted.

_____ (092814FP.SD)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is situated within the Metropolitan Green Belt in an isolated location within the rural landscape setting on the northern side of Pembridge Lane, east of Brickendon.
- 1.2 The site comprises an access driveway through a copse of woodland leading from the highway to a site of approximately 18.6 hectares, of domestic garden curtilage and hard standing surrounding a single detached two storey dwelling constructed on the site in 1964.
- 1.3 The property has been largely unimproved and is of poor construction, originally constructed as an agricultural workers dwelling some 50 years ago. In 2008 the agricultural restriction on the dwelling was lifted by way of a Certificate of Lawfulness application (ref: 3/08/1834/CL)
- 1.4 Planning permission was previously granted on the 29 January 2009, ref 3/09/1923/FP for a replacement 4 bedroom detached dwelling.
- 1.5 A further planning permission ref: 3/11/1391/FP was granted on the 20th October 2011 for a similar replacement dwelling, on the same footprint, sited 1.0m lower in the ground to maintain the roof height of the original dwelling on the site of 8.5m. This approval also included the provision of a triple garage; swimming pool; an internally accessed basement and a single storey glazed link between the swimming pool and the replacement dwelling.
- 1.6 The current proposal comprises fundamentally the same proposal as in 2011, but includes additional development in the form of:

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- Four rooflights inserted in the front roof plane of the dwelling
- Four single dormer windows inserted in the rear roof plane of the dwelling
- Two additional sash windows in the western elevation at first floor
- One additional sash windows in the eastern elevation at first floor
- Two additional stone balconies on the rear elevation at first floor.

1.7 The application has been referred to the committee for a decision as it is contrary to policy and there is an objection from a neighbouring resident.

2.0 Site History

2.1 The property has had a limited history which can be summarised as follows:

- 3/64/1712/FP – Construction of house, flat and garage, approved subject to a condition requiring occupation by agricultural worker(s) tied to part (65acres) of the agricultural land holding. Granted.
- 3/08/1834/CL – Certificate of lawful Use was approved for dwelling not occupied as agriculturally tied dwelling for 40 years. Granted.
- 3/09/1257/FP – Planning permission for two storey front and rear extensions. Refused.
- 3/09/1923/FP – Demolition of existing dwelling and replacement dwelling on same footprint with same roof height. Granted.
- 3/11/0125/FP – Demolition of existing dwelling and erection of detached replacement dwelling - revised scheme with basement, swimming pool, garage and glazed link. Recommended for refusal and withdrawn by applicant
- 3/11/1391/FP – Demolition of existing dwelling and erection of a detached replacement dwelling – revised scheme. Granted.
- 3/13/2158/FP – Erection of Bat house (part of bat mitigation measures from the demolition of existing dwelling and erection of replacement dwelling approved under LPA reference 3/11/1391/FP – revised scheme) Granted.

3.0 Consultation Responses

- 3.1 The County Archaeologist comments that the proposal is unlikely to have an impact on heritage assets of archaeological interest.
- 3.2 Environmental Health advises that any permission granted should include conditions for soil decontamination, to mitigate for any unforeseen contamination not evident during the initial walk over site investigation.
- 3.3 County Highways do not wish to restrict the grant of permission. The proposed replacement dwelling is acceptable in a highways context. The site is accessed by a private road, and although visibility onto Pembridge Road is rather restricted, the trip generation from the site is unlikely to increase. There is sufficient parking and turning space within the site and the access arrangements remain unchanged.
- 3.4 Natural England has no objections to the proposal as regards the sites proximity to Nature Conservation Sites at Wormley-Hoddesdon Wood North and South which are Areas of Special Scientific Interest (SSSI's). In terms of protected species the site, the Standing Advice should be applied.
- 3.5 Herts Countryside Access Officers have no objection to the application proposal.

4.0 Parish Council Representations

- 4.1 Brickendon Liberty Parish Council has no objection to the application proposal.

5.0 Other Representations

- 5.1 The application has been advertised by way of neighbour notification.
- 5.2 Two letters of representation have been received raising the following issues:
- The application in 2011 3/11/1391/FP greatly increased the footprint and size of the original house by the inclusion of a swimming pool, basement and enlarged garage building.
 - The new proposal increases the internal living space yet further with a second floor of bedrooms
 - The dormer windows are not in keeping with the character of the

area

- The dormer windows infringe the privacy of The Blue House.
- The balconies are unacceptable as they would give unobstructed views over the garden of the Blue House
- Dangerous animals are kept at The Blue House and the neighbour is concerned that his animals will be antagonised by people using the two additional rear balconies proposed on the replacement dwelling.

6.0 **Policy**

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

GBC1	Green Belt
HSG7	Replacement dwellings and Infill housing
HSG8	Replacement dwellings in the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV13	Development and SSI's
ENV14	Local Sites
ENV16	Protected species
BH1	Archaeology and new development

6.2 In addition, the national Planning Policy Guidance and the National Planning Policy Framework (NPPF) are material considerations in the determination of the application in particular, sections 9: Protecting the Green Belt and 7: Requiring Good Design.

7.0 **Considerations**

7.1 Some Members may recall that planning permission was granted for a very similar replacement dwelling on the site (with basement, swimming pool and enlarged garage) on the 12 October 2011 (ref 3/11/1391/FP). That proposal was assessed against the same Local Plan policies that currently exist today and those are considered to be broadly in conformity with the policies of the NPPF. As such, Officers consider that the principle of the development has been established.

7.2 Whilst it was acknowledged previously that the proposed replacement dwelling was contrary to policies GBC1 and HSG8 (b) and, by definition therefore, was 'inappropriate development' in the Green Belt, it was considered that 'very special circumstances' were demonstrated that clearly outweighed the harm caused. Those very special circumstances

related to the availability of unexpended 'permitted development' rights for large extensions to the existing property and for outbuildings; together with the existence of an earlier permission (in 2009) for a replacement dwelling of some size. These were felt to outweigh the harm to the Green Belt which, in any event, was not considered to be significant given the extensive plot size; surrounding screening and the limited impact of the proposal on the rural character and appearance of the surroundings.

- 7.3 Those considerations remain largely the same presently and, as such, the determining issue in this case is whether the alterations now proposed would have an unacceptable impact on the openness of the Green Belt or its rural qualities; or on neighbour amenity such that the balance of considerations would result in a different decision now being justified.

Impact on openness and character of the surrounding area

- 7.4 The proposal now includes the provision of four rooflights in the front elevation of the replacement dwelling. The roof height of the proposed dwelling and its extent and design otherwise, however, remain largely the same. The rooflights do not, therefore, have any additional impact on the openness of the Green Belt and only a modest impact on the design of the proposed dwelling. They are not considered to be detrimental to the character or appearance of the property and nor would they appear out of keeping with the surrounding rural area.
- 7.5 The proposed rear dormer windows are also considered to be of a modest form, with single window units and curved roofs which minimises the impact of the additions, these are sympathetically sited within the roof and of a scale that does not appear intrusive. The proposed dormer windows would be located on the rear roof plane and would only look out across the private rear amenity garden space of the replacement dwelling.
- 7.6 Similarly, the proposed additional sash windows inserted in the western and eastern flank elevations of the replacement dwelling would not appear out of keeping with the design and would be sympathetic in terms of size, scale and design, complementing the character and appearance of the replacement dwelling. It is therefore considered that the proposed window additions would integrate well with the design of the replacement dwelling and would not appear out of keeping or intrusive.
- 7.7 The new windows in the western elevation would look out across the

private side garden and paved patio areas of the replacement dwelling, and to the established mature woodland beyond. The eastern elevation window would look out over the proposed triple garage and swimming pool outbuildings and beyond this the private garden space to the east.

- 7.8 Two additional balconies are proposed at first floor level at the rear of the property (in addition to one that had been approved within the previous scheme). The two additional stone balconies proposed are modest in scale and design, sited to be flush with the external rear elevation serving two first floor rear facing bedrooms. As such, these two proposed additional balconies would appear as modest and subservient elements set back from the centrally projecting larger balcony and would not appear intrusive or detract from the character and appearance of the proposed replacement dwelling or the rural locality.
- 7.9 In summary, therefore, Officers consider that the proposed alterations to the development would generally complement the main building in terms of their exterior finish, scale and form, such that they are modest in scale and sensitive to the character of the site and its surroundings. No significant additional harm would be caused to the openness of the Green Belt or the rural character of the area and Officers do not consider that any additional weight should be assigned to the harm to the Green Belt in this respect in the overall balancing exercise.

Residential amenity

- 7.10 The site is located in an isolated rural woodland setting at a distance from the highway and other properties, and screened by trees and woodland planting. The nearest neighbour, The Blue House, is located some 210m away from the application site, to the south east, on the other side of established protected woodland.
- 7.11 The comments from the neighbouring property at The Blue House are noted. However, the proposed alterations to the proposal are considered to be of a limited nature and, at the distance of some 210m, it is considered that there would be no loss of privacy, outlook or general amenity to the occupiers of that neighbouring property. In reference to the issue of the dangerous animals kept by the neighbour at The Blue House, Officers consider that the additional small balconies are not likely to have any greater impact on that property than the previously proposed single balcony. In any event, there is other legislation to control the licensing and keeping of dangerous animals and this is not considered to be a material planning consideration as regards this proposal.

Ecology

- 7.12 In terms of nature conservation, it is noted that the site is located adjacent to the SSSI Wormley/ Hoddesdon Park to the west and north of the application site and two Wildlife Sites – Broxbourne Wood (71/005) to the north, west and east of the site and Pembridge Lane (71/025) that runs along the front of the application site. The extent of the proposed development is limited to the existing domestic curtilage and as such it is considered unlikely to have any impact on the wildlife sites local habitats or the status of the adjacent SSSI. Natural England has not objected to the proposal.
- 7.13 However, it had been identified in the previously approved proposal (ref: 3/11/1391/FP) from recorded data that the presence of a protected species (bats) had been identified on site. The Bat Survey submitted at that time had been assessed by Herts Biological Records Centre and in accordance with the provisions of policy ENV16 a condition had been attached to the planning permission granted for the construction and provision of a separate Bat House to secure the Mitigation, and Compensation Measures required by HBRC.
- 7.14 An application was submitted in 2013 (ref: 3/13/2158/FP) for the erection of a wooden bat house/loft on legs, on the western area of the front garden of the application site, close to the established woodland, as part of the mitigation measures. A Habitats Regulation EPS Licence was applied for and approved and the bat house/loft has subsequently been constructed.

8.0 Conclusion

- 8.1 The application seeks permission for a replacement dwelling on the site which is very similar to that approved in 2011 but with additional external features that would alter the external appearance of the property and would enable the roof space to be utilised for additional habitable space. Some very limited increase in volume would occur (from the four dormer windows) but this is negligible in the overall context of the development and would have no additional impact on the openness of the Green Belt or adverse impact on the character and appearance of the property or the surrounding area.
- 8.2 Officers are satisfied that the “very special circumstances” previously demonstrated in respect of the 2011 proposals apply equally to the current proposals and, given that no additional harm would result from the current proposals, Officers are satisfied that the balancing exercise in this case remains largely as with the earlier approved scheme.

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8.3 It is therefore considered that very special circumstances remain applicable in this case to justify the replacement dwelling proposed and it is therefore recommended that permission be granted for this proposal subject to the conditions set out at the head of this report.