

3/15/0986/HH –Construction of a detached garage block at The Lodge, Manor of Groves, High Wych Lane, High Wych, Sawbridgeworth, CM21 OJL for Mr Gennaro Celindaro.

Date of Receipt: 01.06.2015

Type: Full – Householder

Parish: HIGH WYCH

Ward: MUCH HADHAM

RECOMMENDATION

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

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Materials as on plan (2E42)
4. The garage hereby permitted shall be used solely for purposes ancillary to the main residential use of the dwelling within the application site known as The Lodge.
Reason
In the interests of clarity and to ensure the Local Planning Authority retains control over any future development.

Informatives:

1. The use of the garage for commercial purposes or living accommodation independent to the main dwelling would constitute a material change of use for which planning permission would be required.
2. 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 2015. The balance of the considerations having regard to those policies and the limited impact that the proposal would have upon the openness of the Green Belt and planning permission granted under lpa reference 3/08/1495/FP is that permission should be granted.

_____(150986.NM)

1.0 Background

- 1.1 The application site is shown on the attached OS Map. It is located within the Metropolitan Green Belt and is within the High Wych Conservation Area. The site is accessed off of High Wych Lane and is situated adjacent to the access driveway that leads up to the Manor of Groves hotel.
- 1.2 The site is occupied by a two storey dwelling and an unauthorised building which is required to be demolished by an extant enforcement notice.
- 1.3 The proposal is for a double garage building that would have a dual pitched roof reaching a height of 6 metres. The garage would measure 12.1 metres by 7.1 metres. A 1 metre high brick wall is proposed to create a small enclosure to the front of one of the garage doors.
- 1.4 The plans submitted do not propose any first floor accommodation within the building and no changes are proposed to the existing site access.

2.0 Site History

- 2.1 The relevant planning history for the site is as follows:-

History in respect of garage/outbuilding

| | | |
|--------------|---|------------------------------|
| 3/15/0508/HH | Garage | Withdrawn |
| 3/08/1495/FP | Amendments to 3/07/1275/FP (erection of garage) | Approved |
| 3/08/0415/FP | Amendments to 3/07/1275/FP (erection of garage) | Refused |
| 3/07/2649/FP | Amendments to garage. | Withdrawn |
| 3/07/1725/FP | New entrance wall, gates, triple garage and change of use of land to garden land. | Approved |
| 3/07/0233/FP | New entrance wall, gates, double garage and change of use of land to garden land. | Refused |
| 3/05/2212/FP | Part two storey/part single storey double garage and store. | Refused and appeal Dismissed |

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| | | |
|--------------|-------------------------|----------|
| 3/02/1575/FP | Detached double garage. | Approved |
| 3/00/0386/FP | Detached double garage | Approved |

History in respect of the dwelling house

| | | |
|--------------|---------------------------------|----------|
| 3/08/1347/FP | 1 st floor extension | Approved |
| 3/06/0236/FP | Single storey rear extension | Approved |
| 3/90/2042/FP | Two storey extension | Approved |

- 2.2 In March 2014 an enforcement notice was served in respect of an unauthorised building which has been constructed in the same position as the new building that is currently proposed. A subsequent appeal was dismissed and the enforcement notice was upheld in January 2015. Enforcement Officers are currently awaiting the outcome of this planning application before any further action is taken.
- 2.3 Officers consider that the planning permission granted under lpa reference 3/07/1725/FP for a triple garage of a similar size and siting to the current proposal remains extant, as the change of use of the land and the new wall and gates that formed part of this permission have been implemented. Therefore, the triple garage approved under lpa reference 3/07/1725/FP could be constructed at any time. This permission was for a garage that would be 11.3 metres by 6.2 metres and reaching a ridge height of 5.2 metres.

3.0 Consultation Responses

- 3.1 The Conservation Officer has advised that the proposal would not harm the character of the Conservation Area and therefore should be determined in accordance with National and Local policy.

4.0 Parish Council Representations

- 4.1 No representations have been received.

5.0 Other Representations

- 5.1 The applications have been advertised by way of site notice, press notice

and neighbour notification.

5.2 1No. letter of representation of objection has been received which can be summarised as follows:-

- The size of the building exceeds what could reasonably be required for garage purposes;
- The views from the neighbouring property will be impaired by a building of this size;
- Concerns in respect of any 1st floor windows.

6.0 Policy

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

| | |
|-------|--|
| GBC1 | Appropriate Development in the Green Belt |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |
| ENV5 | Extensions to Dwellings |
| ENV11 | Protection of Existing Hedgerows and Trees |
| ENV16 | Protected Species |
| BH6 | New Development in Conservation Areas |

6.2 The provisions of the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the emerging District Plan are also of relevance to this application.

7.0 Considerations

7.1 The determining considerations for this application relate to the principle of the proposed development, whether it would comply with the requirements of Policies GBC1 and ENV5, regarding inappropriate development, the impact that the development would have upon the openness of the Green Belt and any other harm including the effect on the amenities of neighbouring occupiers and the character and appearance of the Conservation Area.

7.2 The site is located within the Green Belt wherein Policy GBC1 allows for 'limited' extensions to dwellings, in accordance with Policy ENV5 which expects extensions and outbuildings to not disproportionately alter the size of the original dwelling. This approach is generally consistent with the NPPF which does not refer to outbuildings but allows for extensions to existing buildings where they would not disproportionately alter the size of

the original.

Principle

- 7.3 The original dwelling house, appears to have had a floor area of approximately 192 sqm and the Council's records suggest that the previous extensions to the dwelling have added a further 59 sqm of floor area. The proposed garage building would have a floor area of approximately 86 sqm, which cumulatively with the existing extensions would result in an additional 145 sqm of floor space representing a 75% increase to the size of the original dwelling.
- 7.4 Whilst a floor space calculation is not the only way to assess the increase in size to the original dwelling, in this case the cumulative additions would exceed what would ordinarily be considered to form limited additions that are not disproportionate to the original dwelling within this Green Belt location. The proposal therefore represents inappropriate development which in accordance with the NPPF is by its definition, harmful to the Green Belt and substantial weight needs to be given to this.

Other harm: Openness of the Green Belt

- 7.5 The garage building is proposed within an area of garden land to the north of the dwelling house. The garage would be set back approximately 12 metres from the boundary with High Wych Lane. Having regard to this set back and the mature trees that are located close to the garage, much of the proposed building would not be visible from outside of the site. However, it is likely that the roof of the building would be visible from some view points within the surrounding area, including from the approach from the south along High Wych Road.
- 7.6 In respect of the existing unauthorised structure within the site, the Inspector in dismissing the appeal against the Enforcement Notice stated that the existing building was prominent and intrusive. The size and scale of the building currently proposed is significantly reduced and the removal of the first floor accommodation and the windows serving this upper level results in a building that would now not appear unduly prominent or intrusive to the openness of the Green Belt.
- 7.7 It would however constitute a building which would have an impact on the openness of the Green Belt. This constitutes an additional harm, albeit limited.

Neighbour Amenity

- 7.8 The concerns that have been raised by the neighbouring occupier have been carefully considered. As set out above, the size of the proposed garage is considered to be acceptable in this instance.
- 7.9 In respect of the concerns raised that the building would impact upon the views from the neighbouring dwelling house, the loss of individual views does not form a material planning consideration. Furthermore, having regard to the distance of approximately 31 metres that would be maintained between the proposed garage building and the closest neighbouring dwelling house, Officers do not consider that the proposal would result in an unacceptable loss of outlook or have an overbearing impact upon this property.
- 7.10 The plans submitted do not propose any first floor windows within the building and having regard to the size of the building planning permission would be required for the addition of any roof lights or dormer windows. Therefore control over these remains within the control of the Planning Authority.
- 7.11 Having regard to the size, scale and height of the proposed building and its siting in relation to neighbouring dwelling houses, Officers consider that the proposal would not have an unacceptable impact upon the amenities of the neighbouring occupiers.

Character and appearance and impact upon the Conservation Area

- 7.12 Policy BH6 and the NPPF generally expect development proposals to preserve or enhance the character and appearance of a Conservation Area. Having regard to the comments received from the Conservation Officer, the proposed garage building is considered to be of an acceptable design, size and scale that would preserve the High Wych Conservation Area and not have a detrimental impact upon its character and appearance.
- 7.13 In terms of the overall character and appearance of the area it is noted that the Inspector in dismissing the appeal relating to the existing unauthorised structure stated that due to its substantial size and height and its many dormer windows, the building has the appearance of a separate dwelling rather than an ancillary outbuilding to the existing dwelling. However, the building that is currently proposed is designed as a typical garage building with a pitched roof and with window openings at ground floor only. Officers consider that the building that is currently proposed would not appear as a separate dwelling and instead would appear as an ancillary outbuilding that would not be detrimental to the character and appearance of the site and that of the surrounding area.

Other Matters

7.14 The planning permission granted for a garage building in 2008 under lpa reference 3/08/1495/FP forms an important material consideration for the current application. The approved building is identical to the current proposal except for some minor variations to the window design and the external materials of construction. Whilst a change in National Policy has occurred since this previous application was determined; with the publication of the NPPF its requirements in relation to residential extensions in the Green belt are similar to the previous policy position set out within the former Planning Practice Guidance 2 (PPG2).

8.0 Conclusion

- 8.1 The proposed garage, having regard to the cumulative extensions added to the original dwelling house will form a disproportionate addition to the original dwelling house. Therefore, the proposal forms inappropriate development within the Green Belt which, in accordance with the NPPF, is by definition harmful and to which substantial weight should be given.
- 8.2 In respect of other harm, the above report has outlined that there would be some limited impact upon openness. In respect of neighbour amenity and the impact upon the character and appearance of the site, the surrounding area and the High Wych Conservation Area no additional harm would be caused.
- 8.3 The NPPF states that inappropriate development should not be approved except in very special circumstances and that these 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. In this case, the previous planning permissions granted for a similar proposal for a triple garage (in the case of the 2007 extant approval) and the almost identical double garage (in respect of the 2008 approval) which were approved under a very similar planning policy framework are material and can be given significant weight. They are considered to clearly outweigh the harmful impacts of the proposals such that very special circumstances do apply.