

3/15/1222/HH – Retrospective planning permission for the erection of two detached cart-lodges within the front garden at High Oaks, Much Hadham, SG10 6DQ for Mr J Carey

Date of Receipt: 10.06.2015

Type: Householder

Parish: MUCH HADHAM

Ward: MUCH HADHAM

RECOMMENDATION:

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

1. Approved plans (2E103)

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 2015. The balance of the considerations having regard to those policies and the limited impact of the development in the Rural Area is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. The existing property is set in a rural location on the edge of the category 1 village of Much Hadham. The property is not however within the boundary of that village as defined in the Local Plan; it is located within the Rural Area Beyond the Green Belt. The property is set back from the road frontage and has a double frontage with two large gables. To the side is an existing single storey flat roof projection which was formerly a garage but was converted into additional living accommodation following the grant of planning permission within LPA reference 3/13/0225/FP. There is a mixed landscape boundary to the frontage with the lane which obscures views of the property from the highway.
- 1.2 In March 2015, the Council was made aware that two detached cart-lodges had been erected at the property without the necessary planning permission.

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- 1.3 The site owner was advised of the need to obtain permission for the new buildings and the current retrospective application was submitted accordingly in June 2015. The owner has advised that he was not aware that planning permission was required for these works.
- 1.4 Whilst some detached garage buildings can be erected without the need for planning permission, the buildings in this case are required to be considered through the submission of a planning application because they are forward of the front building line of the dwelling and the site is within the Much Hadham Conservation Area, The buildings are not therefore 'permitted development' under the General Permitted Development Order.
- 1.5 Both buildings are of a traditional open-fronted design, constructed in timber with slate roofs.

2.0 Site History

- 2.1 The dwelling was originally granted planning permission within LPA reference E/1286/59. Planning permission was later granted for a detached garage within LPA reference 3/2280/65 and for a link extension between that detached garage and the dwelling within LPA reference 3/1440/90. Planning permission has also been granted for single storey and two storey extensions within LPA references 3/1786/84 and 3/00/1990/FP respectively.
- 2.2 Planning permission was refused under LPA reference 3/12/0367/FP for first floor side extension and 2 storey side extensions and a detached double garage.
- 2.3 Planning permission was granted within LPA reference 3/12/1233/FP for 'First floor side and single storey rear/side extensions and conversion of garage into a habitable room'. No objections were raised by any statutory consultees, third parties or the Parish Council in respect of that application.
- 2.4 Planning permission was granted under LPA reference 3/13/0225/FP for first floor side and single storey rear/side extension and garage conversion – an amended scheme to that granted in LPA reference 3/12/1233/FP. That application was determined by the Development Management Committee on 22 May 2013.

3.0 Consultation Responses

- 3.1 The Historic Environment Unit have commented that the proposal is

unlikely to have a significant impact on heritage assets.

4.0 Parish Council Representations

4.1 Much Hadham Parish Council object to the planning application. The Parish Council consider that the proposal represents overdevelopment of the site in comparison to the buildings scale and size; represents a disproportionate addition to the size of the original dwelling and; the materials of construction do not complement the house and impacts on views from the front of the neighbouring property.

5.0 Other Representations

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

5.2 No representations have been received.

6.0 Policy

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

- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- ENV1 Design and Environmental Quality
- ENV5 Extensions to Dwellings
- ENV6 Extensions to Dwellings – Criteria
- ENV11 Protection of existing Hedgerows and Trees
- ENV19 Development in Areas Liable to Flood
- TR7 Car Parking – Accessibility Contributions
- BH1 Archaeology and New Development
- BH5 Extensions and Alterations to Unlisted Buildings in Conservation Areas

6.2 The National Planning Policy Framework (NPPF) and the national Planning Policy Guidance (NPPG) are also material considerations in the determination of the application.

7.0 Considerations

7.1 The main planning considerations in this application relate to the principle of development and the impact of the extensions on the character and appearance of the dwelling and rural setting.

Principle of development

- 7.2 As the site lies within the Rural Area as defined in the adopted Local Plan, the principle of development is assessed under policy GBC3 of the East Herts Local Plan Second Review April 2007. Under part (c) of this policy, consideration is given as to whether these new buildings can be considered as “limited” and whether the proposal accords with the criteria of policy ENV5. The principle objective of this policy is to limit the impact that extensions or outbuildings may have on the character and appearance of an existing dwelling, both in itself and in relation to any adjoining dwelling and on the appearance of the locality generally.
- 7.3 The history of the site reveals that the existing property has benefitted from planning permission for various extensions. In particular, permission has been granted for a detached garage and link extension within LPA references 3/2280/65 and 3/1440/90 and subsequently planning permission was granted for single storey and two storey extensions within LPA references 3/1786/84 and 3/00/1990/FP. The original dwelling, as granted planning permission within LPA reference E/1286/59, benefitted from a floor area of approximately 138 square metres. The extensions previously granted consent, including that most recently granted under LPA reference 3/13/0225/FP (which, Officers understand have been implemented) have increased the floor area of the dwelling by approximately 100%.
- 7.4 The two new outbuildings proposed within this application have a cumulative floor area of 42 square metres. The cumulative size of the cart-lodges, together with the previous additions to the property cannot be said to be ‘limited’ and would, in Officers opinion, represent a disproportionate increase in the size of the original dwelling, contrary to policies GBC3 and ENV5 of the Local Plan.
- 7.5 Members will be aware that planning proposals should be considered in accordance with the Development Plan, unless material considerations indicate otherwise. As this proposal is contrary to the policies of the Local Plan, therefore, it is necessary to consider whether there are other considerations in this case that would justify the grant of planning permission.
- 7.6 It is acknowledged that planning permission was previously refused (under ref: 3/12/0367/FP) for extensions to the property that would have resulted in a similar cumulative increase in the size of the property, but it is an established planning principle that each application must be considered on its own merits and it is important therefore to consider the impact that these two buildings have on the character and

appearance of the site and the surrounding area. That is a material consideration in this case which is discussed below:

Impact on surrounding area/amenity

- 7.7 Planning permission has previously been refused for a detached garage to the front/side of the plot under LPA reference 3/12/0367/FP – that garage building was however significantly larger than the larger of the two cart-lodge structures proposed in this application - it had a footprint of around 50 square metres at a height of 6.2metres and incorporated a first floor space.
- 7.8 The larger of the two cart-lodges in this application is of more modest proportions – it has a footprint of 28 square metres and height of 3.9 metres and is set back from the road frontage by around 9 metres. The smaller of the two cart-lodges in this application is smaller still (a footprint of 14 square metres and height of 3.9metres and is also set back from the road frontage). It is also important to note that the previous extensions proposed under ref: 3/12/0367/FP would have significantly increased the width of the property and were considered harmful to the character of the property and surrounding area.
- 7.9 In considering the impact of the buildings Officers are mindful of the much larger garage building which serves Oak Tree House to the south of the site and which forms a much closer relationship with the road than the buildings in this application. That garage building serving that neighbouring property has a more conspicuous presence in the street in comparison to the two smaller buildings in this application by virtue of its proportions and position in relation to the road. There is therefore an established character to the surrounding area which includes a large detached garage building within the front of the adjoining property. This established character is a material consideration in this case.
- 7.10 Officers consider that the new cart-lodge buildings sit comfortably within the established character and appearance of the area. Views of the two buildings are obscured by the tree and landscape screening to the western boundary of the application site with the street. The materials of construction of the buildings utilises traditional materials including timber boarding and roof tiles which, in Officers opinion, are appropriate to the context of the site and surroundings.
- 7.11 The impact of the two buildings on the rural countryside location is therefore considered to be limited and do not, in Officers opinion, result in material impact on the rural countryside location.

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- 7.12 Officers note the comments from the Parish Council but, having regard to the above considerations Officers consider that there will be no significant harm to the character or appearance of the dwelling, the rural setting or the Conservation Area, in accordance therefore with policies ENV5, ENV6 and BH5 of the Local Plan.

Neighbour amenity considerations

- 7.13 Having regard to the relationship of the dwelling to neighbours, there will not be a significant impact on neighbour amenity that would warrant the refusal of the application.
- 7.14 Officers note the comments from the Parish Council in regards to the impact on outlook from the neighbouring property (which it is assumed is reference to Oak Tree House to the immediate south of the application site). However, the modest height and scale of the cart lodge building, distance to the boundary and overall siting in relation to that and other neighbouring properties is such that there will be no significant or harm loss of outlook to any neighbouring properties.

Other matters

- 7.15 With regards to archaeological matters, having regard to the advice from the Historic Environment Unit, Officers do not consider that the development will result in significant harm to archaeology.

8.0 Conclusion

- 8.1 Officers consider that the amount of development proposed cannot be considered as 'limited', and is therefore contrary to policy GBC3 of the Local Plan. However, the outbuildings are considered to be appropriately sited and designed, and do not result in significant harm to the character and appearance of the dwelling or the open rural setting of the area. These material considerations are considered sufficient in this case to outweigh the policy objections to the proposal and to justify the grant of planning permission as set out at the head of this report.