

## DEVELOPMENT MANAGEMENT COMMITTEE – 27 APRIL 2016

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|---------------------------|--|
| <b>Application Number</b> | 3/15/2575/HH   |
| <b>Proposal</b>           | Single storey rear porch extension to house. Detached outbuilding to rear garden |
| <b>Location</b>           | 4 Churchfield Road, Tewin, Welwyn, AL6 0JW                                       |
| <b>Applicant</b>          | Mr and Mrs R and L Bielby  |
| <b>Parish</b>             | Tewin CP   |
| <b>Ward</b>               | Hertford – Rural South   |

|  |   |
|--|---|
| <b>Date of Registration of Application</b> | 5 January 216                                     |
| <b>Target Determination Date</b>           | 1 March 2016                                      |
| <b>Reason for Committee Report</b>         | Departure from Local Plan and objections received |
| <b>Case Officer</b>                        | Andrew Hunter                                     |

### **RECOMMENDATION:**

That planning permission be **GRANTED**, subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 The proposal seeks planning permission for a new porch to the rear of the dwelling and a detached outbuilding within the rear garden, incorporating a gym and garden room.
- 1.2 The proposals, when combined with previous additions to the property, represent inappropriate development in the Green Belt and therefore, in accordance with policy GBC1 of the Local Plan and national policy in the NPPF, planning permission should only be granted if there are other material considerations which would clearly outweigh the harm caused by inappropriateness, and any other harm, such as to constitute the very special circumstances required to permit inappropriate development. In terms of 'other harm', this is considered to be limited in this case. The proposal is considered acceptable in scale and design, and it is not considered that harmful impacts would be caused to the amenities of neighbouring properties. The potential impacts on landscaping; trees; highways matters and parking are also considered to be acceptable.
- 1.3 One material consideration of significant weight is the existence of 'permitted development' rights which would allow the provision of very similar proposals without the need to obtain planning permission. The impacts of such developments would be very similar to that currently

proposed within this application and it is considered that this 'fall-back' position, for both the porch and outbuilding proposed, would clearly outweigh the limited harm caused to the Green Belt in this case and is sufficient to provide the 'very special circumstances' necessary to justify the proposal.

## **2.0 Site Description**

- 2.1 The application site is on the south-west side of Tewin, outside the built up part of the village, and in the Metropolitan Green Belt. It comprises an end of terrace, two storey, dwelling with a gable roof and is of a traditional character and appearance. The property is bounded to the north, west and east by other residential properties, whereas the land immediately to the south is open countryside.
- 2.2 The eastern boundary of the application site, with number 5 Churchfield Road, comprises a 2m to 3m high hedge and fence and there is a large Pine tree located in the rear garden of the property.

## **3.0 Background to Proposal**

- 3.1 The application property is a dwelling that has existed since before planning records are available (pre-1948), and has been extended previously to the side and rear.
- 3.2 The originally submitted application proposed the construction of a larger outbuilding that was within 600m of the boundary with number 5 Churchfield Road. However, following concerns raised by Officers, amended plans were received on 23<sup>rd</sup> March 2016 to propose a smaller building set further away (approx. 1200mm) from the common boundary. The proposed outbuilding would be a minimum of 4.5m from the main dwelling and is designed with a pitched roof and external materials to match the existing property. The building would measure 9m in depth, 5.3m (maximum) in width, 2.8m in height to its eaves and 4.8m in total height. The building would primarily be used as a gym and garden room for the residents of the dwelling. A Pine tree in the curtilage of the site would be felled to construct the outbuilding. The plans show the retention of a hedge on the boundary with No. 5 Churchfield Road.
- 3.3 The application also includes the provision of a porch at the rear of the existing house and this would measure approximately 1.9m in depth and 1.6m in width.

#### **4.0 Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

| <b>Key Issue</b>  | <b>NPPF</b> | <b>Local Plan policy</b> |
|---|-------------|--------------------------|
| Green Belt policy; whether appropriate development and consideration of 'very special circumstances'. | Section 9   | GBC1, ENV5 and OSV3      |
| Design and impact on the area   | Section 7   | ENV1, ENV5 and ENV6      |
| Impacts on the amenity of neighbouring properties   | Section 7   | ENV1, ENV5 and ENV6      |
| Impacts on trees and landscape  | Section 11  | ENV2 and ENV11           |

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

#### **5.0 Emerging District Plan**

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be given to the emerging Plan.

#### **6.0 Summary of Consultee Responses**

6.1 The Highway Authority has not objected to the proposal. They consider the existing access arrangements from Churchfield Road to be acceptable in a highways context.

6.2 The Council's Arboricultural Officer does not object to the felling of the Pine Tree within the rear garden on the basis that, having been 'topped' some years ago at about 9-10m in height, it now has two co-dominant stems and is of poor form and structurally weaker than it had been prior to 'topping'. The Officer comments that "The tree is clearly visible, but you have to consider if, when walking around this locality, your experience would be devalued in some way if the tree was not actually present. As there are a large number of fully mature trees in the area the experience of walking along the road is already high in terms of visual public amenity. It has to be appreciated that some of the over-

mature trees may not always be here and trees coming in to maturity with a large crown mass should perhaps not be lost. To the rear of the pine tree (as seen from the road) and in another property there are several large broadleaved deciduous trees that should be considered to be more appropriate than a non-native conifer species". The Officer concludes that the tree does not meet, or merit, the criteria for the serving of a Tree Preservation Order. The Officer did consider that the proximity of the outbuilding to the boundary hedge (as originally proposed) would have resulted in a harmful impact on it and recommended that the building be moved further away (1.5 to 2m from the centre line of the hedge) to protect the boundary hedging.

## **7.0 Town Council Representations**

7.1 Tewin Parish Council had the following comments to make on the originally proposed drawings:

"Very concerned about the potential loss of the well-established tree and hedgerow, as the outbuilding would be too close to them. Damage may be caused to the hedge by foundations and construction zone, and it will be deprived of water. There will not be enough space to maintain the building and hedgerow.

The outbuilding by reason of its scale and bulk will be an excessive increase in the cumulative footprint of the original dwelling. It will also have a significant impact on the rural nature of the surrounding area and be detrimental to this rural character. It would be inappropriate development in the Green Belt.

The height of the building with its gable ends will cause overshadowing, block out light and result in an intrusion of internal and external lighting on a currently dark area. The velux windows are not in keeping with surrounding architecture, and the shower/toilet with fan extraction will be too close to neighbouring property.

The Council strongly feel that the outbuilding will be out of keeping with and detrimental to the character and appearance of the surrounding properties. The Council object to the proposal".

7.2 In respect of the amended plans, the Parish Council has the following comments:

"The new plan has a legend which says "Rev A) Outbuilding area reduced to give 1200mm to No5 boundary to retain hedge." Since there

never was any plan to remove the hedge owned by no 5, we assume that this should read “to maintain hedge”. The outbuilding is definitely shown further away from the hedge but it is not clear to TPC that this has been achieved by reducing the size of the outbuilding. The original plan appears to have been removed from the website, so it is not possible to do a comparison. The closeness to the hedge was mentioned in the comments of TPC submitted on 2nd February 2016 but none of our other issues have been addressed.”

## **8.0 Summary of Other Representations**

8.1 Two letters of objection were received from Nos. 3 and 5 Churchfield Road raising the following concerns in relation to the originally proposed plans:

- Visibility and height.
- Rooflights not in keeping. Harm the rural area.
- Size and extent of rear garden taken up by the building.
- Previous extensions to the dwelling a consideration. Overdevelopment.
- Loss of privacy and amenity. Overshadowing.
- Light pollution.
- Impacts exacerbated if hedge reduced.
- The building could become a self-contained dwelling.
- Impacts on a sewer.

8.2 At the time of writing this report, one representation has been received from a neighbouring property in respect of the amended plans. That asks that the pitch roof of the building be lowered which would reduce both the visual impact of the building and reduce any loss of sunlight.

## **9.0 Planning History**

9.1 The relevant planning history relating to this site is shown below:

| Ref          | Proposal                   | Decision | Date     |
|--------------|----------------------------|----------|----------|
| 3/98/1090/FP | Extensions and alterations | Granted  | 23.09.98 |

## **10.0 Consideration of Relevant Issues**

Principle of the development

- 10.1 Extensions and outbuildings to dwellings in the Green Belt are acceptable in principle if they would not result in disproportionate additions over and above the size of the original building. The present dwelling is not the original dwelling, which had a floor space of 94.2 m<sup>2</sup>. The 1998 planning permission for extensions added 86.5 m<sup>2</sup> of floor space to the dwelling, which was a 91.8% increase in its size.
- 10.2 The porch would be a further cumulative extension to the original building. It would have a floor area of 3 m<sup>2</sup> and a height of 3.7m. However, this would be very similar to that which could be built under 'permitted development' without needing planning permission, (its height would simply need to be reduced to 3m) and this is considered to be a material consideration of significant weight in this case.
- 10.3 While the proposed porch would be 0.7m higher than that which could be built under 'permitted development', its proposed height allows a more traditional pitched roof design, more in keeping with the character and appearance of the dwelling and locality, and as a result, the porch does not result in any visual harm to the building or the character and appearance of the surrounding area.
- 10.4 Given the above, and the very limited impact that the proposed porch would have on the surrounding area, no objection is raised to this element of the application.
- 10.5 Turning to the proposed outbuilding, this would be of a more significant size with a floor area and footprint of 33.9 m<sup>2</sup> and, cumulatively with previous additions, would increase the floorspace of the original dwelling by over 100%. It would be approximately 4.5m from the dwelling, and would notably increase the amount of built form on the site. The building would be visible from the road and from surrounding sites, and it is considered that it would appear as a disproportionate addition to the original building given its size and proximity to the present dwelling. As such, it would amount to inappropriate development in the Green Belt and it is necessary to consider whether, in addition to harm by inappropriateness, any other harm would result from the proposal.

#### Other harm

- 10.6 The proposed building would inevitably impact to some extent on the openness of the Green Belt. Whilst it is not considered that this would be a significant impact, given its location within the context of surrounding development, some limited weight is given to this additional

harm in the planning balance. Other material planning matters are considered below.

Design and impacts on the street scene and locality

- 10.7 The proposed porch would be a small addition to the dwelling, with a design in keeping with its more traditional character and appearance. It would not detract from the street scene due to its location, small size and acceptable design. The porch is therefore considered acceptable in its design. No additional harm is therefore assigned to this element of the proposal.
- 10.8 The proposed outbuilding would be located at the end of the rear garden and would be ancillary to the main dwelling. It would be traditional in design and appearance, and would largely reflect the character and appearance of the dwelling. The outbuilding is therefore considered acceptable in its design and relationship to the dwelling.
- 10.9 Whilst it would be visible from Churchfield Road, and have some impact on openness, it would be set much further back than the dwellings themselves, and would accordingly have less visibility in the street scene than Nos. 1 to 6 Churchfield Road. It is therefore considered acceptable in size, design and location. No additional harm is therefore assigned to these matters.

Neighbour amenity

- 10.10 The proposed porch, by its size and location, would not affect the amenities of either No. 3 or No. 5 Churchfield Road and is therefore considered acceptable in this respect.
- 10.11 The proposed outbuilding would be some distance from the rear garden and curtilage of No. 3 Churchfield Road and, given its single storey scale, and the boundary fence between these properties, it is not considered that the proposed building would appear overbearing or result in any loss of privacy or other amenity to No. 3.
- 10.12 The outbuilding would be more visible from No. 5 Churchfield Road, due to its proximity to the rear garden and curtilage of that dwelling. The building would be at an oblique angle to the side and rear windows of that property and, given its single storey scale, would not appear overbearing or result in any overshadowing and loss of amenity to the dwelling itself.

- 10.13 The building, in its amended siting, would be 1.2m from the party boundary with No. 5, and its impact would also be softened by the retention of the boundary hedge and vegetation. Most of the roof of the building would slope away from No. 5, and the building would extend along only a small part of the rear garden boundary of No. 5. The view of the building would be more oblique from the main patio areas of the rear garden of No. 5 which are on the east side of that property's rear garden. Potential overshadowing and loss of light to No. 5 are considered to be limited and acceptable.
- 10.14 Views and impacts from the proposed side window would be limited due to the existing boundary planting and the fact that boundary fencing up to 2m in height would adequately protect residential amenity and would not require planning permission. Any noise or other transmissions from the window would be expected to be limited given that the building is proposed to be used for ancillary residential accommodation. A planning condition is proposed to restrict this window to obscured glazing in any event and a further condition is proposed to control further window openings. Potential lighting can also be controlled by condition and sewerage issues are covered by other legislation and are not material planning considerations in this case.
- 10.15 In summary, the outbuilding is considered acceptable in respect of neighbour amenity impacts and no additional harm is identified in relation to this matter.

#### Trees and landscape

- 10.16 The plans show a 'Conifer tree' (in fact a Pine tree) to be removed and a yew hedge to be cut back on the rear boundary of the site. They are within the curtilage of the dwelling and are not protected by a Tree Preservation Order (TPO) or by virtue of being in a Conservation Area. These features could therefore be removed at any time by the applicant without any consent being required. Only limited weight can therefore be given to their loss and it is not considered that it would be reasonable to refuse planning permission on the basis of their loss. The Arboricultural Officer has also confirmed that the Pine is not worthy of protection by a TPO.
- 10.17 Concerns have been raised regarding the proximity of the outbuilding to the boundary hedge with No. 5 Churchfield Road. However, given that the siting of the building has been amended to set it some 1200mm away from this boundary, Officers consider that the hedging can be



retained and suitably protected during construction works so that it continues to afford some privacy to both residential properties. It is, in any event, material to note that the boundary hedging is not currently protected and that it would be possible to erect a building up to the boundary under 'permitted development' rights and this could potentially have greater impacts on the hedge than would result from that proposed within this application. There are therefore no objections to the proposal on landscape grounds.

#### Balance of considerations

- 10.18 The proposal constitutes inappropriate development in the Green Belt and other harm has been identified in respect of a limited loss of openness to the Green Belt. In other respects the proposal is considered to be acceptable. Given the harm identified, however, it is necessary to consider whether there are other material considerations in this case which would clearly outweigh the harm, and constitute the very special circumstances required to justify the development in the Green Belt.
- 10.19 A material consideration of significant weight is the availability of 'permitted development' rights for both porches and outbuildings. The fall-back position in relation to the porch has already been discussed in paragraphs 10.2 to 10.3. In respect of the outbuilding, it would be possible to erect a building or buildings with the same footprint as currently proposed without planning permission subject to certain criteria. The building proposed within this application would have eaves of 2.8m in height and a total height of 4.8m. 'Permitted development' rights limit the eaves of an outbuilding to a maximum 2.5m in height within 2 metres of a boundary, and a total height of 4 metres.
- 10.20 While the proposed building exceeds these height limits and is within 1.2m of the boundary of the curtilage of the dwelling, it would only need a small reduction in its eaves (0.3m) and total height (0.8) to be 'permitted development'. The roof would also need to be designed as dual pitched (rather than the presently proposed four), but this would also be possible. The resulting impact on the surrounding area and on neighbours would be very similar to that currently proposed.
- 10.21 Given the similarity of the proposed building to that which could be achieved without planning permission, and would result in similar impacts on the openness of the Green Belt, it is considered that 'permitted development' rights in this case represent a material consideration that clearly outweighs the harm caused by

inappropriateness and the other limited harm identified, such as to justify the proposed building in the Green Belt.

## **11.0 Conclusion**

- 11.1 The proposal is considered to be inappropriate development in this Green Belt location. The proposed outbuilding and porch would also result in some harm to the openness of the Green Belt, although no other harm would be caused.
- 11.2 In respect of the design of the proposal and the impacts on the character and appearance of the dwelling and the locality; impacts on neighbouring properties, and effects on trees and landscape, the proposal is considered acceptable and improved by an amended siting to better protect the existing boundary hedge to the east of the site.
- 11.3 Permitted development rights exist for very similar proposals and this fall-back position is a material consideration of significant weight that would clearly outweigh the harm caused by inappropriateness and loss of openness such as to justify the grant of planning permission subject to the conditions set out below.

## **Conditions**

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. No further windows on east elevation of outbuilding (2E17)
4. Obscured glazing of east elevation outbuilding window (2E18)
5. Tree/hedge retention and protection (4P05)
6. The outbuilding hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwellinghouse on the site.

Reason: To ensure that no alternative use is made of the building which would be contrary to Green Belt policy or be detrimental to the amenities of the occupants of nearby residential properties in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Lighting details (2E27)

Informative

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 2015. The balance of the considerations having regard to those policies is that permission should be granted.