

DEVELOPMENT MANAGEMENT COMMITTEE – 8 FEBRUARY 2017

Application Number	3/16/2114/HH
Proposal	Subterranean extension to form basement swimming pool and parking area.
Location	Rowneybury, Harlow Road, Sawbridgeworth, CM21 0AJ
Applicant	Mr Johnson
Parish	Sawbridgeworth
Ward	Sawbridgeworth

Date of Registration of Application	19 September 2016
Target Determination Date	19 December 2016
Reason for Committee Report	Major Development by reason of site size and floorspace.
Case Officer	Nicola McKay

RECOMMENDATION

That planning permission be **REFUSED** for the reason set out at the end of this report.

1.0 Summary

- 1.1 This application seeks planning permission for a subterranean extension to form a basement swimming pool and parking area in connection with the dwelling house known as Rowneybury.
- 1.2 The site is located within the Metropolitan Green Belt wherein policy GBC1 of the adopted East Herts Local Plan 2007, and the NPPF, support specific types of development that are not inappropriate in the Green Belt. Policy GBR1 of the pre-submission District Plan, states that planning applications within the Green Belt will be considered in line with the provisions of the NPPF.
- 1.3 Considered against these policies, the proposal would result in disproportionate additions over and above the size of the original building and would thereby constitute inappropriate development within the Green Belt. The NPPF outlines that where inappropriate development is proposed it should not be approved except in very special circumstances and where the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 1.4 Other harm is identified in this case in relation to a limited loss of openness and conflict therefore with the aims of policies GBC1 and ENV5 of the adopted Local Plan and the NPPF.
- 1.5 Officers do not consider that the weight which can be assigned to the positive aspects of the proposals is such that the harm, by reason of inappropriateness and loss of openness, is clearly outweighed. As a result very special circumstances have not been demonstrated to justify the development in the Green Belt.

2.0 Site Description

- 2.1 The application site is located within the Green Belt to the south of the settlement of Sawbridgeworth and is occupied by a detached dwellinghouse and various outbuildings. The site is accessed from the A1184 (Harlow Road).
- 2.2 The original building benefits from a number of previous extensions and outbuildings.

3.0 Background to Proposal

- 3.1 The proposal is for a basement extension which would provide a parking area for 103 cars with an associated service bay, store and WC and a swimming pool with associated showers, changing facilities and a plant room.
- 3.2 The basement would extend approximately 91 metres forwards of the principal elevation of the dwelling and approximately a further 33 metres beyond the rear wall of the dwelling, and would have a floor area of approximately 3,616 sqm.
- 3.3 The proposed extension would be linked to the existing basement area below the north eastern part of the dwelling.
- 3.4 Three sets of stairs leading from the basement into the grounds surrounding the dwelling, and an area of hardstanding for the car lift, also form part of the proposal.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan policy
Principle of development	Section 9	GBC1	GBR1
Other harm-including impact upon openness of the Green Belt	Sections 7 and 9	ENV1, ENV2, ENV5	DES2, DES3, HOU11
Planning Balance	Section 9	GBC1	GBR1

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

5.0 Emerging District Plan

- 5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has recently been completed and the detail of the responses is now being considered by Officers. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the detail of the responses to the consultation is yet to be considered.
- 5.2 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.

6.0 Summary of Consultee Responses

- 6.1 Herts Ecology comments that they have records of Badgers in Union Wood (40m to the east) and excavation work and heavy machinery should be kept well away from where it could damage the badger sett. They comment that it is reasonable to require a Badger survey to be carried out by condition, prior to the commencement of the development, and also to require any trenches to be covered at night.
- 6.2 Historic England comments that it was not necessary for them to be consulted on this application.
- 6.3 HCC Highway Authority does not wish to restrict the grant of permission subject to a condition requiring a construction traffic management plan.

6.4 Natural England states that they have no comments on the proposal.

6.5 EHDC Landscape Advisor recommends approval and comments that there would be no significant impact upon trees. However, an arboricultural method statement should be submitted to ensure sufficient protection of nearby trees and the 'Union Wood' and landscape drawings should be submitted to show the finished appearance of the completed development.

7.0 Town Council Representations

7.1 Sawbridgeworth Town Council has commented that it has no planning objection. However, it does have serious concerns about the environmental impact of the proposal.

8.0 Summary of Other Representations

8.1 No other representations have been received.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision
3/06/2416/FP	Erection of garage with storage/ancillary accommodation on 1st floor	Approved
3/05/0835/FP	Erection of first floor conservatory and first floor storeroom link	Approved
3/05/0175/FP	Retrospective application for erection of timber child's play equipment, and pole mounted floodlight, toy store and wendy house.	Approved
3/04/1730/FP	Two storey extension over swimming pool	Approved
3/04/0186/FP	Erection of garden folly and 'ruins'	Approved
3/01/0963/FP	Demolition of existing garage block and	Approved

	replacement with garage with music room above.	
3/01/0458/FP	Installation of hard surfaced tennis court with associated fencing, lighting and planting.	Approved
3/01/0048/FP	Outbuildings	Approved
3/00/1566/FP	Provision of porte cochere	Approved
3/97/1122/FP	Change of use from institute to residential. Single storey extension to form swimming pool. Detached garage	Approved
3/96/1161/FP	Change of use to offices and refurbishment and addition of pitched roof over existing garages.	Approved

10.0 Consideration of Relevant Issues

Principle

- 10.1 Policy GBC1 of the adopted Local Plan allows for limited extensions to dwellings within the Green Belt in accordance with policy ENV5 which expects extensions, cumulatively with those previously added, to not disproportionately alter the size of the original dwelling.
- 10.2 The NPPF allows for extensions to buildings provided that it does not result in disproportionate additions over and above the size of the original building.
- 10.3 The plans that were submitted in connection with a planning application made in 1997 (lpa. 3/97/1122/FP) show that the building at this time was much smaller in size. The original building is likely to have included the areas shown on the proposed floor plans as a study and office (within the north eastern part of the dwelling) and it appears to have extended up to and including the existing dining room, breakfast room and kitchen within the south western part of the building. The part of the building that is shown on the proposed floor plans as a Ballroom, which is 2 storeys in height, clearly forms a significant previous extension to the original building.

- 10.4 Based upon the ground and first floor plans that are available, it would appear that the original building would have had a floor area of up to 720 sqm. The previous extension which forms the south western wing of the dwelling (shown as Ballroom on the proposed ground floor plans) has resulted in approximately an additional 490sqm, which in itself represents a 68% increase to the size of the original building. Such an increase in size cannot be considered to be limited or proportionate to the original building. Furthermore, it is reasonable to take into account outbuildings that have been added within the curtilage of the dwelling, which would increase the size of previous additions beyond 68%.
- 10.5 The proposed basement extension would result in a further increase to the building of approximately 3,616 sqm, resulting in cumulative additions to the building exceeding 570% (increasing further when the outbuildings are taken into account). Clearly such an increase in size would form a further disproportionate addition to the original building and the proposal is therefore considered to be contrary to policies GBC1 and ENV5 of the adopted Local Plan; GBR1 of the pre-submission District Plan, and the NPPF.
- 10.6 As inappropriate development, and in accordance with Policy GBC1 of the Local Plan and national policy in the NPPF, planning permission should not be granted for the proposed development unless the harm caused by inappropriateness, and any other harm, is clearly outweighed by other material considerations such that very special circumstances exist to justify the grant of planning permission. It is necessary therefore to consider what other harm would result from the proposed development and then to consider the weight that can be given to other material considerations in this case.

Other harm

Impact on openness

- 10.7 The proposal would mostly be constructed underground which would of course limit its impact upon the openness of the Green Belt. The only above ground development would appear to be three sets of stairs and an area of hardstanding for the car lift. The indicative details provided by the agent suggest that the car lift would only involve a relatively small area of hardstanding that would be at ground level. Whilst details of the external appearance of the stairs have been requested during the course of the application these have not been provided.
- 10.8 As the stairs would be constructed on undeveloped land that currently forms an area of grass, any loss to this undeveloped open space would inevitably result in a loss of openness within the site. However, without

plans to indicate the extent of the stairs and the visual impact above ground level, it is difficult to assess the full extent of harm that this would cause to the openness of the Green Belt. It is clear, however, that some loss of openness would occur, however limited

- 10.9 Supporting information submitted on behalf of the applicant states that the soil excavated to create the development would be redistributed across the site and the land regraded. However, no details have been provided to indicate the likely volume of soil and how this would be distributed across the site in order to assess whether this would have an additional adverse impact upon the openness of the Green Belt and the character and appearance of the site.
- 10.10 It is clear, that there would be some loss of openness to the Green Belt as a result of the development and this therefore carries additional negative weight in the balance of considerations.

Protected Species

- 10.11 It is noted that the proposed basement extension would be constructed beneath an area of mown grass and hardstanding and would require significant excavation and engineering works. However, the Council's ecological advisor is satisfied that, with suitable conditions and further protected species surveys, the proposal would not have an unacceptable impact upon Protected Species. The impact on ecology is therefore considered neutral in the balance of considerations.

Neighbour Amenity

- 10.12 There are no existing residential properties within close proximity of the development proposals. Having regard to the significant distances between the proposed development and the nearest neighbouring residential properties, therefore, Officers consider that there would be no detrimental impact upon the amenities of any nearby occupiers. No additional harm is therefore identified in this respect.

Highway Safety

- 10.13 Supporting information submitted on behalf of the applicant states that the proposed underground garage and car parking facility would be ancillary to the main use of Rowneybury House and that it would be used to house the applicant's classic car collection. It appears from the information available that the proposal would not necessarily result in a high frequency of vehicle movement in and out of the site. Furthermore, the supporting information states that the soil excavated would be spread and graded throughout the application site and as

such it is not anticipated that there would be a need for significant HGV movements as a result of the proposal.

- 10.14 Having regard to the above; the comments received from the Highway Authority, and the ability to control traffic movements to some extent by condition, Officers are satisfied that the proposal would not have a severe impact upon highway safety and highways matters are considered neutral in the balance of considerations.

Trees

- 10.15 Having regard to the comments received from the Council's Landscape Advisor, it is not anticipated that the proposal would have a detrimental impact upon existing trees. However, if permission were to be granted, suitable conditions would be required to ensure the retention of nearby trees and their protection during construction works. The impact on trees is therefore considered neutral in the balance of considerations.
- 10.16 In summary, the proposal is considered to constitute inappropriate development in the Green Belt and additional harm is identified in respect of some (albeit potentially limited) loss of openness. It is necessary then to consider whether there are any other considerations which would 'clearly outweigh' this identified harm, such as to provide the very special circumstances necessary to justify the inappropriate development in the Green Belt. These other considerations are set out below.

Benefits of the proposal

- 10.17 The applicant's agent has indicated that the unique requirements of the applicant to have a large area of parking for their private car collection, is a consideration of significant weight in the determination of the application.
- 10.18 The applicant owns numerous classic cars which are currently stored all over the country and abroad. They require specialist storage facilities which the proposed development would provide (i.e. climate control and security) and there would be easy access to specialist classic car restoration facilities at the adjacent Italstyle Industrial buildings (which are also in the ownership of the applicant).
- 10.19 It is proposed to use the existing access between Italstyle and Rowneybury House for the occasional movement of parts, for the collection of cars for restoration, maintenance and occasional transportation to public exhibitions. The applicant's agent states that

this collection will provide a means by which these exhibits can be rescued, restored and then reintroduced to the interested public via formal exhibitions and car shows.

- 10.20 The considerations put forward in support of the application are noted. However, they are not considered to be of such weight that they would clearly outweigh the harm caused to the Green Belt by inappropriateness (which the NPPF identifies as substantial harm) and any loss of openness. The need for specialist car storage for the classic car collection is understood, but a location within the Green Belt is not an essential requirement of that need and the development is more appropriately suited to an urban or commercial area.
- 10.21 It is noted that the proposal would provide additional business for the applicant's nearby classic car restoration and maintenance company and having the cars on-site would appear to reduce the need for them to be transported from elsewhere. This would be of some limited benefit in sustainability terms, but is not considered to be sufficient to clearly outweigh the harm caused to the Green Belt.

11.0 Conclusion

- 11.1 The proposed development, together with other additions added, would result in disproportionate additions to the original building. Therefore, the proposal forms inappropriate development within the Green Belt and other harm to the openness of the Green Belt has been outlined above in conflict with the aims of policies GBC1 and ENV5 and the NPPF. The positive weight which can be attributed to other considerations in this case is not such that would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness, and the other harm identified.
- 11.2 It is therefore recommended that planning permission be refused for the reason outlined below.

Reason for Refusal

1. The proposed development, together with previous extensions to the building, would disproportionately alter the size of the original dwelling and result in some harm to the openness of the Metropolitan Green Belt. The proposal thereby constitutes inappropriate development in the Green Belt and the weight that can be given to the positive impacts of the proposal is not such that would clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and the other harm identified. The proposal is thereby 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.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts 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.