

3/09/0402/FP – Erection of new dwelling at land adjacent to 5 Hall Lane, Great Hormead for Mr and Mrs Quinney

Date of Receipt: 18.03.2009

Type: Full

Parish: HORMEAD

Ward: BRAUGHING

RECOMMENDATION

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

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Samples of materials (2E12)
4. Withdrawal of P.D. (Part 1 Class A) (2E20)
5. Withdrawal of P.D. (Part 1 Class E) (2E22)
6. Withdrawal of P.D. (Part 1 Class B) (2E23)
7. Provision and Retention of Parking Spaces (3V23)
8. Tree retention and protection (4P05)
9. Hedge retention and protection (4P06)
10. Tree protection: restrictions on burning (4P08)
11. Landscape design proposals (4P12) (b) (e)
12. Landscape works implementation (4P13)
13. Hours of working - plant and machinery (6N05)
14. Prior to any building works being commenced, details of the foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment.

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Directives

1. Other Legislation (01OL)
2. Street Numbering (19SN)
3. Discharge of conditions (ZDC)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV2, ENV9, ENV11, TR7 and BH6. The balance of the considerations having regard to those policies and the permissions previously granted under LPA references 3/02/1692/OP, 3/02/1691/OP, 3/05/0036/FP, 3/06/1161/FP, 3/07/0413/FP and 3/08/1468/FP is that permission should be granted.

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1.0 Background

- 1.1 The application site is located within the built up area of the village of Great Hornead, to the west of Hornead Lane, as shown on the attached OS extract.
- 1.2 The site itself is located at the end of a row of terraced properties, 1-6 Hall Lane Cottages, and a more recently constructed pair of semi detached properties, 1a and 1b Hall Lane. The site itself is adjacent to number 6 Hall Lane, and covers a significant area, with well landscaped grounds, partially enclosed with a variety of boundary treatments, including mature trees and hedgerows. The site is located within the Great Hornead Conservation Area.
- 1.3 Members may recall that planning permission was granted within application 3/08/1468/FP for the construction of a new dwellinghouse on the site. That proposal was an identical scheme to that as approved within LPA reference 3/07/0413/FP, the only difference being a reduction in the overall area of the application site.
- 1.4 The proposals as they now stand include an identical area of site to the 3/08/1468/FP permission. However, this scheme now omits the basement element which, from the details of the design and access statement, is no longer affordable and may impact on the foundations of the existing

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property which the applicants own, number 5/6 Hall Cottages. Accordingly the revised scheme seeks to move a proportion of the basement above ground. The resultant building that is now proposed includes an identical frontage to that previously approved with a four metre projection at the rear at ground floor (an increase in 2.5 metres from that previously approved) and, a three metre projection at first floor at the rear.

- 1.5 This application is being reported to the Development Control Committee as it represents a departure from the Local Plan.

2.0 Site History

- 2.1 In September 2003, outline planning permissions were granted for three additional dwellings to the terrace following a Committee resolution in July 2003 and the Secretary of State's decision not to call in the application as a departure. These permissions involved extending either end of the existing terrace to provide an additional cottage on the western end (Ref:3/02/1692/OP) and two cottages on the eastern end (Ref: 3/02/1691/OP).

- 2.2 Subsequently, reserved matters were granted for a pair of semi-detached cottages sited adjacent to no. 1 Hall Cottages at the eastern end of the terrace (Ref: 3/05/0036/FP). The Council agreed to allow semi detached cottages largely on the grounds that the development would sit comfortably within the site and would be no more visually intrusive than the previously approved scheme.

- 2.3 In respect of development at this particular site, to the western end of the row of terrace, Members may recall that full planning permission was granted at the 26 July 2006 Committee for the construction of a detached 2 storey dwelling (LPA 3/06/1161/FP). As outlined in paragraph 1.3 above planning permission has been granted within LPA reference 3/07/0413/FP and more recently 3/08/1468/FP for a new dwellinghouse (albeit the later application featured a reduced site area).

3.0 Consultation Responses

- 3.1 The County Council Historic Environment Unit have commented that, on the basis of the current information, the proposal is unlikely to have an impact on significant archaeological deposits, structures or features.

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3.2 Hertfordshire County Council Highways Officers have commented that in a highway context the amended scheme does not differ from the previous scheme. As such, the Highways Authority have no grounds to oppose the scheme. Conditions are however recommended, relating to hard surfacing and parking arrangements.

3.3 Environmental Health have commented that they advise that conditions are attached with any grant of permission. The conditions suggested include, a contaminated land condition and construction hours of work

3.4 The Environment Agency have no objection to the proposed development and recommend a number of conditions relating to soakaways and discharge of foul or contaminated drainage.

4.0 Parish Council Representations

4.1 Hormead Parish Council have no objection to the application.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 One letter has been received from a neighbouring property, 1 Hall Cottages. Whilst no objections are made in respect of the current planning proposal, concern is expressed with the history of the site and the number of planning applications submitted by the applicants.

6.0 Policy

6.1 The relevant policies of the East Herts Local Plan April 2007 include:-

- GBC3 (Appropriate Development in the Rural Area Beyond the Green Belt)
- ENV1 (Design and Environmental Quality)
- ENV2 (Landscaping)
- BH6 (New Developments in Conservation Areas)

7.0 Considerations

7.1 The detailed planning considerations of the proposal have already been considered within the previous Officers committee report for LPA reference 3/07/0413/FP, a copy of which is attached as an appendix to the report. As

such, the planning considerations relating to this application relates to how the proposed enlargements to the new dwellinghouse will meet with the previous considerations relating to the special circumstances for allowing a new residential dwelling in the Rural Area, the impact of those enlargements on the character and appearance of the dwellinghouse and on the amenity of neighbouring properties.

Rural Area Policy

- 7.2 The property is sited within the Rural Area Beyond the Green Belt wherein policy GBC3 is applicable. That policy states that planning permission will not be given, for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. The proposed development fails to fall within any of these excepted purposes and so constitutes “inappropriate” development within the Rural Area. The Council must therefore consider whether there are any material planning considerations that would ‘outweigh’ the in principle objection to development.
- 7.3 The previous considerations of planning applications on the site related to how the new dwelling would help to maintain and encourage a greater variety and mix of dwelling types both within the village itself and also within this part of the district, which is encouraged in both national guidance and Local Plan Policies. The design and access statement considers that the revised scheme is similar to the previous approvals as it proposes three bedrooms. However that statement goes further, by outlining the volume of the alterations above ground represents less than that of the previously proposed basement. The overall size of the revised scheme is therefore less than that previously approved.
- 7.4 Given the size and scale of the proposals within the previous approval, this current proposal would in effect, be of a smaller overall size. With regards to this consideration and taking this into account that the circumstances in the settlement have not changed significantly since the earlier permissions, it considered by Officers that the proposal is acceptable within the Rural Area.

Appropriateness of alterations

- 7.5 The revised scheme must therefore consider the impact of the development on the character and appearance of the dwellinghouse. The degree of projection that is proposed at ground floor and first floor, combined with the design of the roof slope (with a lower roof ridge line and hip element) is such that it is considered to result in a subservient addition to the originally approved building which, in effect will appear as an extension to the dwellinghouse. In Officers opinion therefore the proposals do not impact

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detrimentally with the character and appearance of the originally approved dwellinghouse.

- 7.6 Taking into account the above considerations it is therefore considered that, with regard to the impact on the appearance of the Great Hornead Conservation Area, the proposed alterations to the previously approved scheme will not impact detrimentally on the area. The proposals are therefore considered to preserve the Conservation Area in this case.

Neighbour amenity

- 7.7 It is considered that it is the two storey rear element of the proposal that must be given particular consideration, in this case, in terms of the impact on the amenity of the adjoining neighbour – 5/6 Hall Lane. Taking into account the degree of projection of this element (3 metres), the distance to the boundary (2 metres) and the orientation and siting of the two properties, I do not consider that the 2 storey rear projection to the previously approved scheme will result in a significantly detrimental impact on the amenity of that property that would warrant the refusal of the application.

Conditions

- 7.8 It is noted that Environmental Health has recommended a condition pertaining to contaminated land. However, Members are advised that such a condition was not attached to the previous decision nor was it recommended by that consultee. Accordingly, in this case, given that the previous decision does not include such a condition and the proposals are similar, it is not considered to be appropriate to attach such a condition.
- 7.9 With regard to the other conditions recommended at the commencement of this report, having regard to the advice in Circular 11/95 and the previous decisions for the site in which similar conditions have been attached, the conditions recommended are considered to be salient in this case.

8.0 Conclusion

- 8.1 The principle of development has been previously considered acceptable by the Council within the earlier approved planning applications, and the considerations of this application are that the proposed dwelling is now smaller in overall size to that previously approved; the principle of the proposed development therefore remains.
- 8.2 Within this planning application, the impact of the proposed extension on the character and appearance of the originally approved dwelling and on the amenity of neighbouring properties has also been considered.

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Accordingly, and with regard to the above considerations, Officers therefore recommend that planning permission be granted subject to the conditions at the head of this report.