

3/09/0841/FP – Two storey side extensions to existing dwelling at 35 Burnham Green Road, Tewin, AL6 0NL for Mr. Paul Smith

Date of Receipt: 02.06.2009

Type: Full

Parish: DATCHWORTH

Ward: DATCHWORTH & ASTON

Reason for report: Contrary to policy

RECOMMENDATION

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

1. Three Year Time Limit (1T12)
2. Materials of construction (2E11)
3. Carried Out in Accordance (2E92)
4. Tree Survey (4P01)
5. Tree retention and protection (4P05)
6. Tree protection: restrictions on burning (4P08)
7. Tree Protection: Earthworks (4P10)
8. Tree surgery (4P11)
9. Landscape design proposals (4P12 e,i,j,k)
10. Landscape works implementation (4P13)
11. Tree Planting (4P15)
12. Trees: protection from foundations (4P20 – amend for foundations of front porch only)
13. Retention of landscaping (4P21)
14. This planning permission shall be null and void in the event that any other enlargement of the dwelling granted by the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 1, Class A of the Order (as amended) is commenced.

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Once this planning permission is commenced then notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the enlargement of the dwellinghouse as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over further extensions having regard to Green Belt policy constraints in accordance with policies GBC1 and ENV9 of the East Herts Local Plan Second Review April 2007 and national guidance in PPG2 Green Belts.

Directives

1. Other Legislation (01OL)
2. This permission does not purport to grant consent for the garage indicated on drawing PL08.

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 GBC1, ENV1, ENV2, ENV5, ENV6, ENV9, ENV11. The balance of the considerations having regard to those policies, and the appeal decision under reference 3/07/2061/FP, is that permission should be granted.

_____ (084109FP.HS)

1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises a two storey detached dwelling set back from the road by approximately 25m on a substantial sized plot amongst mature trees. The site lies in the Metropolitan Green Belt in a semi-rural situation within a row of large detached dwellings of varied design.
- 1.2 The dwelling was constructed in 1924 and is of an arts and crafts design formed of white render with a plain tiled hipped roof and raised corner parapets. The dwelling is orientated at a 90° angle to the road such that its entrance is located to the side. There is a single garage attached to the south elevation and a further detached single garage further south. The dwelling has not previously been extended.

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- 1.3 This application proposes two storey extensions to both sides of the dwelling, with an open timber front porch and rear covered patio area. Both existing garages are to be demolished.

2.0 Site History

- 2.1 There have been two previous applications refused for a replacement dwelling on site – references 3/07/0742/FP and 3/07/2061/FP. Both applications were refused on the grounds of insufficient justification for a replacement dwelling, and for the replacement dwelling being of excessive size in the Green Belt. The latter application was also dismissed at appeal.
- 2.2 In the Inspector's report he noted that there was no structural reason to allow for a replacement dwelling, and that the new dwelling would materially erode the openness of the Green Belt. However he did not consider the resultant dwelling to be more visually intrusive than that which it proposed to replace.

3.0 Consultation Responses

- 3.1 The Council's Landscape Officer recommends consent subject to a number of conditions on tree protection and planting details. The Landscape Officer notes that the extension towards the northern boundary will encroach within 2m of two hornbeam trees and within the Root Protection Area (RPA); these trees would therefore need to be removed.
- 3.2 The oak tree to the front has a high public amenity value and meets the requirements for the making of a Tree Preservation Order (TPO); a provisional TPO will be served henceforth. The construction of the porch within the RPA could cause further root damage; it is therefore essential that careful consideration is given to foundation design. The loss of trees along the northern boundary can potentially be mitigated by the planting of a holly hedge as part of this development. Additional mitigation for the loss of trees could be provided by enhanced landscape treatment to the frontage of the property.

4.0 Parish Council Representations

- 4.1 Datchworth Parish Council has no objection to the proposed extensions but would like clarification with respect to the garage which appears in the artists' impression but is not included in any of the other plans.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice and neighbour notification.
- 5.2 No letters of representation have been received.

6.0 Policy

- 6.1 The relevant 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
 - ENV6 Extensions to Dwellings – Criteria
 - ENV9 Withdrawal of Domestic Permitted Development Rights
 - ENV11 Protection of Existing Hedgerows and Trees
- 6.2 In addition to the above it is considered that Planning Policy Statement 1 'Delivering Sustainable Development', and Planning Policy Guidance 2 'Green Belts' are considerations within this application.

7.0 Considerations

Principle of development

- 7.1 The site lies in the Green Belt wherein policies GBC1 and ENV5 allow for only limited extensions in the Green Belt that do not cumulatively with earlier extensions disproportionately alter the size of the original dwelling. In this case, the addition of two storey extensions to both sides of the dwelling, representing a floorspace increase of approximately 90m² could not be considered limited.
- 7.2 The dwelling has not previously been extended; however the additional floorspace represents an increase of approximately 84% over and above the original dwelling. This is more than would normally be granted as appropriate development in the Green Belt. The proposal is therefore considered to constitute inappropriate development contrary to policy GBC1. Very special circumstances must therefore be presented to overcome this policy objection.

Design and Scale

- 7.3 The application proposes two storey extensions to both sides of the original dwelling, on one side in place of an original integral single garage. The extensions will be set back from the front elevation with lowered ridges to

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appear visually subservient and have been designed more as 1½ storey extensions with low eaves and rooms in the roof with front and rear dormers.

- 7.4 The extensions will provide two extra bedrooms and bathrooms on the first floor, and a larger kitchen and lounge with additional study and dining room on the ground floor. Overall, the extensions are not considered to be excessive in size; however they represent an 84% increase in floorspace given the small size of the original dwelling.
- 7.5 The design of the extensions with rooms in the roof and low eaves ensures that the character and appearance of the original dwelling is maintained, and impact on the openness of the Green Belt is only modest. In the previous Inspector's decision it was concluded that the replacement dwelling would not have a material impact on the openness of the Green Belt; however this was a significantly larger full two storey structure with a 9m high ridge for a length of 7m. The current proposal is for two shorter ridges to the side of the original dwelling, at heights of 8.4m and 6.9m respectively. The width of the development has also been reduced from 21m to 14.3m.
- 7.6 Therefore, whilst there would be a slight reduction in open views through the site, sufficient space would remain on the plot so as not to materially harm the openness of the Green Belt. It is also noted that the previous Inspector did not consider the replacement dwelling to be more visually intrusive than the existing dwelling. Given that the current proposal is smaller in scale, this can also be considered to be no more visually intrusive. Therefore whilst the proposal does not technically comply with policies GBC1 and ENV5, it is considered that the visual impact of the extensions proposed in this application would be acceptable in the Green Belt.
- 7.7 In design terms it is somewhat unfortunate that the arts and crafts character of the original dwelling would be materially altered. The existing raised parapets to the roof would be removed; however the exposed rafters, white render and window proportions would remain similar to existing. Following the previous applications to replace the original dwelling, an application was made to English Heritage for the building to be listed; however they did not consider it to be of sufficient architectural quality or uniqueness. Officers therefore do not consider that a refusal on the grounds of impact on the character of the original dwelling could be justified.
- 7.8 Whilst each case must be assessed on its own merits, it must also be noted that the site lies amongst a number of other large detached dwellings, many of which have been extended significantly in recent years. Nos. 33 and 37

have both had additional extensions refused (references 3/07/1519/FP and 3/07/2433/FP respectively), but already exist at more than double the size of the original dwelling.

- 7.9 Overall, Officers consider that although the development would exceed what would normally be permitted as appropriate development in the Green Belt, the harm resulting from this development is not considered to be significant. The extensions have been well designed to reduce their visual impact, and given the siting of the dwelling set back from the road amongst mature tree screening, it is not considered that material harm would result to the openness of the Green Belt. The resulting dwelling would be re-orientated to face the road, and would sit comfortably in the plot. It would also be in-keeping with the size and scale of existing dwellings in the immediate vicinity. Very special circumstances are therefore considered to exist in this case to allow for a total 84% increase in floorspace.

Impact on Existing Trees

- 7.10 The site lies amongst a number of mature trees, none of which are currently protected; however the Council's Landscape Officer has advised that a provisional Tree Preservation Order is likely to be served. The proposed extensions will come within close proximity to these trees; consideration must therefore be given to the protection and retention of these trees. The Council's Landscape Officer advises that although the side extensions would encroach within the RPA of three hornbeams, these are not considered worthy of retention.
- 7.11 It is also material to note that the previous proposal for a replacement dwelling was within closer proximity to these trees than the extensions hereby proposed. Impact on these trees was not included as a reason for refusal on the previous application, and it is therefore not considered reasonable to refuse this current application on these grounds.
- 7.12 With regards to the significant oak tree to the front of the dwelling, further details will be required on the foundations of the porch in order to ensure that no further harm is caused to this tree which is currently suffering root damage caused by vehicular use up to the base of the tree.
- 7.13 A number of conditions are therefore recommended to protect these trees which are eligible for protection under a TPO. A full tree survey should be undertaken, and all trees protected from construction works by fencing. No excavations or earthworks should be undertaken within the RPA. Details of tree surgery and tree planting, including a new holly hedge along the northern boundary will also be required.

Permitted Development Rights

- 7.14 The dwelling currently benefits from full Permitted Development rights, and it would therefore be possible to construct an additional extension to the rear of the dwelling without the need for planning permission. This could potentially provide an additional 42m² floorspace by way of a 4m deep single storey extension and 3m deep two storey extension; resulting in a dwelling 124% larger in floorspace than the original. This is considered to be excessive, and given the size of the extensions recommended for approval in this application, it is considered both reasonable and necessary to remove Permitted Development rights for further extensions in this case.
- 7.15 Finally, it is noted that a garage is shown in the submitted sketch drawing, and concern has been raised by Datchworth Parish Council. Further details have been received from the architect, and he has been advised that this appears to constitute Permitted Development under Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and therefore does not require express permission. It would not be reasonable or necessary, or sufficiently related to this development proposal, to remove Class E Permitted Development rights in this case. The majority of dwellings in the vicinity are located on substantial sized plots with full Permitted Development Rights.

8.0 Conclusion

- 8.1 Given the size of the proposed extensions in relation to the size of the original dwelling, the development is considered to be contrary to Green Belt policy. However, in assessing the harm of the development, Officers do not consider that the openness of the Green Belt would be materially eroded, or that the resulting dwelling would appear visually intrusive or out of character. The extensions have been well-designed, in particular through the use of low eaves with rooms in the roof, to appear sympathetic to the existing dwelling.
- 8.2 Very special circumstances are therefore considered to exist in this case to override Green Belt policy, and the application is therefore recommended for approval subject to the conditions set out above.