

3/09/1188/FP

5. 3/09/1188/FP - First floor extension over flat roof with dormer windows to the front, rear and side (revised scheme) at Rushwood, Ware Park, Ware, SG12 0DU for Mr and Mrs Faulkner.
-

Date of Receipt: 30.07.2009

Type: Full – (Other)

Parish: HERTFORD

Ward: HERTFORD - BENGEO

RECOMMENDATION

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

1. Three Year Time Limit (1T12)
2. The external materials of construction for the building works hereby permitted shall match those used for the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. Tree retention and protection (4P05)
4. The annex accommodation hereby permitted shall only be used as ancillary accommodation to the residential use of Rushwood, and not as a separate dwelling.

Reason: The creation of an independent dwelling in the Green Belt would be inappropriate in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL)

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 SD2, GBC1, TR7,

3/09/1188/FP

ENV1, ENV2, ENV5, ENV6 and ENV11. The balance of the considerations having regard to those policies, the weight given to 3/82/1082/FP, and the design benefits of the development, is that permission should be granted.

_____(118809FP.HS)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It comprises a single storey detached dwelling located in a rural area surrounded by predominantly agricultural land and woodland. The site is accessed via a rough track from the Ware side of Ware Park, only providing access beyond to Ware Park Farm. The site is surrounded by mature trees to the north, east and west.
- 1.2 The original dwelling was a gable pitched single storey farm worker's dwelling which has subsequently been extended by way of an extensive flat roof side and rear addition.

2.0 Site History

- 2.1 Planning permission was refused in August 2008 for larger first floor extensions, and the application was dismissed at appeal in June 2009 (our reference 3/08/1217/FP). The application was refused on the grounds of disproportionate extensions to the detriment of the rural character and openness of the surrounding Green Belt, and therefore inappropriate development in the Green Belt. These reasons were all upheld by an Inspector at appeal.
- 2.2 Prior to this application, permission had been granted for extensive two storey extensions in 1982 (our reference 3/82/1082/FP). Works had commenced on the footprint of the approved extensions, but due to circumstances at the time, only the ground floor was constructed and completed with a flat roof. The Council was approached at the time to query whether this could be treated as an amendment to the permission, but Officers advised that the construction differed significantly from the approved two storey scheme and would therefore require fresh consent. No application was ever received however and the extensions remain single storey with a flat roof.
- 2.3 During recent discussions with Officers, the applicant suggested that the first floor approved under 3/82/1082/FP could now be completed; however Officers do not consider that this permission has been lawfully implemented because the flat roof single storey extensions differ so significantly from the approved two storey scheme. This view was upheld

by the Inspector at appeal who did not consider there to be any 'fall-back' position. In fact, the Inspector considered that the 1982 permission had little relevance to the consideration of the 2008 scheme given the time that has elapsed and that the circumstances under which it was granted may have changed.

- 2.4 The application currently before Members proposes a reduced scheme for first floor extensions that has arisen out of negotiation with Officers. Although this still provides for larger extensions than would normally be accepted in the Green Belt, Officers consider that the particular circumstances in this case override this policy objection.

3.0 Consultation Responses

- 3.1 The County Council Archaeology Officer advises that the proposal is unlikely to have an impact upon significant archaeological deposits, structures or features.
- 3.2 The Council's Landscape Officer recommends consent subject to conditions on tree retention and protection, no burning near trees, and details of the access construction. He advises that there will be no significant impact on important trees provided adequate protection is given to on site trees and adjacent off site trees in accordance with BS5837: 2005 Trees in Relation to Construction – Recommendations during the construction phase.
- 3.3 At the time of writing no response has been received from Veolia Water.

4.0 Town Council Representations

- 4.1 At the time of writing this report, no response has been received from Hertford Town Council.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 At the time of writing, no letters of representation have been received.

6.0 Policy

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

SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria
ENV11	Protection of Existing Hedgerows and Trees

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 within the Green Belt wherein policies GBC1 and ENV5 allow for only limited extensions that do not cumulatively, with earlier extensions, disproportionately alter the size of the original dwelling. In this case, the dwelling has already been extended by way of single storey side and rear extensions. The addition of the proposed extensions represents a total floorspace increase of approximately 140% over and above the original dwelling. This is considered to be disproportionate and therefore inappropriate development in principle in the Green Belt. The main issue in this case is whether there are any very special circumstances to allow this development.

Residential Annex

- 7.2 The application also makes provision for a conversion of the existing integral double garage to annex accommodation for a dependent relative. This aspect of the proposal would not require planning permission provided that the use remains ancillary and dependent on the main dwelling. A condition is therefore recommended worded to that effect. The loss of existing parking space within the garage is not a material planning because the use of the garage was not restricted under the earlier consent.

Scale, Design & Very Special Circumstances

- 7.3 Although the proposed floorspace remains similar to that previously refused and dismissed at appeal, the scale of the first floor extensions have been significantly reduced. The application now proposes to make better use of the first floor space within the existing roof, and now only an

additional 43.9m² floorspace will be provided outside the existing building envelope. It is therefore important to assess the harm of these extensions in the Green Belt.

- 7.4 It is now proposed to construct a first floor extension that will measure approximately 5m wide to the side of the existing pitched roof, and approximately 4.5m deep to the rear of the existing pitched roof. The proposed roof will be approximately 0.5m lower than the main ridge, and dormers are proposed to the front and sides. These dormers have been reduced in size during negotiations with Officers, and are now considered to be appropriate in size and design in relation to the roof and character of the dwelling.
- 7.5 The previously refused application proposed a full 10.5m wide first floor side extension, and rear extension, above the entire existing single storey flat roof. The side extension has therefore been approximately halved in negotiation with Officers, and the resulting development is no longer considered to unduly impact on the openness of the Green Belt. Further, the rear extension will not be visible from the surrounding area, and it is also material to note that a 3m deep two storey rear extension could be constructed under Permitted Development.
- 7.6 The proposed side extension will now result in the removal of approximately half of the area of existing flat roof, which in itself is considered to be poor in design terms and visually undesirable. A false pitch has been introduced in order to improve the visual appearance of the remaining area of flat roof. Under the previous appeal, the Inspector stated that whilst the existing extensions are not particularly attractive, they are not especially prominent. In his view the roof additions proposed in the appeal scheme would add significantly to the bulk of the dwelling, and therefore did not amount to a very special circumstance to allow the previous proposal. In this current application, the first floor extension has been significantly reduced, and it is now my Officer view that this proposal offers a balance by removing half of the unsightly flat roof area, and providing a subservient extension that will no longer result in an unduly bulky form of development.
- 7.7 Finally, it is material to note that the previous approval in 1982 granted permission for much larger, full first floor extensions with a full height ridge and large tower to the front elevation. The scheme hereby proposed is significantly smaller and better designed than this 1982 permission. However, the Inspector at the recent appeal offered little weight to this previous permission given the time that has passed and possible changes in policy. Officers note that there has been little

change in Green Belt policy since this 1982 approval, and the benefits offered by this scheme in comparison to that previously approved are given some weight to support a consideration of this application.

- 7.8 Overall, therefore, Officers consider that although the proposed floorspace remains similar to the previously refused scheme, the visual impact of the development has been significantly reduced. The proposal will improve the appearance of the building by removing part of the large area of unattractive flat roof. Further, given the set back of the first floor side extension and the subservient design of the extensions, Officers do not consider that the proposal will significantly impact on the openness of the Green Belt. I therefore consider that this proposal will result in limited harm, and that very special circumstances therefore exist to override Green Belt policy.

Neighbour Impact

- 7.9 There will be no impact on neighbouring amenity given the distance of over 50m between and proposed extensions and the nearest neighbouring dwelling, Ware Park Farm.

Parking & Access

- 7.10 Overall, the proposal will not increase the total number of bedrooms at the dwelling, but will improve the size and layout of these bedrooms. The application also proposes to convert the existing integral double garage to annex accommodation. However, 4 no. parking spaces are shown on the submitted site plan, and can be accommodated on the existing frontage. This level of parking provision is in accordance with the Council's adopted Parking Standards. There will be no change to the existing vehicular access arrangements.

Trees

- 7.11 The submitted drawings propose various tree works in connection with this development; however it is important to note that none of these trees are protected. The drawings indicate that the existing leylandii screen to the north, east and west of the site will be trimmed and topped to 5m high. The drawings also indicate that 3 small groups of trees within the site, and in close proximity to the dwelling, will be removed. These appear to be self-seeded trees that are of little amenity value.
- 7.12 The Council's Landscape Officer has suggested several conditions to protect these trees. Given the scale of development proposed, and the existing screening offered particularly by the leylandii trees, it is considered reasonable and necessary to require that trees not shown for

removal on the submitted drawings be retained, and that all trees are protected from construction works in accordance with BS5837: 2005.

8.0 Conclusion

- 8.1 Overall, Officers consider that the proposed extensions amount to disproportionate additions to this dwelling in the Green Belt and therefore constitute inappropriate development. However, the extensions have been significantly reduced in size since the previous refusal, in discussion with Officers, and the result is considered to be acceptable in scale and design with limited impact on the openness of the Green Belt. The visual appearance of the existing dwelling will also be improved by a part removal of a large area of single storey flat roof. Officers therefore believe that very special circumstances exist to override the Green Belt policy objection in this case.
- 8.2 The application is therefore recommended for approval subject to the conditions set out above.