

**3/09/1593/FP**

**7. 3/09/1593/FP - Replacement two storey dwelling with basement at 86 Bramfield Road, Datchworth, SG3 6SA for Mr D Lucas**

**Date of Receipt:** 07.10.2009

**Type:** Full - Minor

**Parish:** DATCHWORTH

**Ward:** DATCHWORTH & ASTON

**RECOMMENDATION**

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

1. Three year time limit (1T12)
2. Levels (2E05)
3. Complete accordance (2E10)
4. Samples of Materials (2E12)
5. Withdrawal of PD Rights Part 1 Class A (2E20)
6. Withdrawal PD Rights Part 1 Class E (2E22)
7. Tree retention and protection (4P05)
8. Landscape design proposals (4P12) i), j), k), and l)
9. Landscape Implementation (4P13)

**Directives**

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 GBC1, HSG8, ENV1, ENV2 and TR7. The balance of the consideration having regard to those policies and the approval of application 3/09/0770/FP, is that permission should be granted

## **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It is sited on the southern side of Bramfield Road facing open countryside and Bulls Green Woodland.
- 1.2 The site currently contains the remains of the front façade and part sidewall of a two storey residential dwelling constructed in the 1940's. To the western boundary is a detached brick built double garage with slate tiled roof. A further single storey building, constructed in the same materials, is located further along the side of the hedgerow and tree boundary.
- 1.3 The remains of the dwelling are sited approximately centrally within the site which comprises a generous and well landscaped residential curtilage. The surrounding area is characterised by large detached dwellings of mixed design and materials, mostly traditional in their appearance.
- 1.4 A recent application for a replacement dwelling on the site was approved by the committee under ref: 3/09/0972/FP in July 2009. This was of a traditional design, replicating the style of the original dwelling on the site but included two storey side extensions (as previously granted on appeal under references 3/05/0076/FP and 3/07/2438/FP) and a single storey extension granted under ref: 3/06/1065/FP. No basement was shown on the submitted plans at that time.
- 1.5 The current proposal seeks permission for a replacement dwelling of the same general form, scale, height and siting as the previous approval ref: 3/09/0770/FP. However, the proposal includes two additional modest infill extensions to the rear corners of the dwelling in the form of a 'cat slide' roof with single dormer, with a storm porch on the western elevation and a full basement below the replacement dwelling.
- 1.6 The site is located within the Metropolitan Green Belt.

## **2.0 Site History**

- 2.1 A planning application submitted under reference 3/05/0076/FP for two storey side extensions to the original dwelling was refused in February 2005 but granted at appeal November 2005.
- 2.2 A further application was submitted in 2006 under reference 3/06/1065/FP for double and single storey side and rear extensions with double garage.

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This was refused in July 2006 on the basis of being contrary to policy RA2 and BE2 due to the size, scale and massing of the additions.

- 2.3 A subsequent application 3/07/0159/FP for the demolition of the existing dwelling and the erection of a replacement dwelling with garage was refused in March 2007. An appeal against this refusal was lodged in April 2007 but dismissed in August 2007.
- 2.4 A subsequent application was submitted under ref: 3/07/2438/FP for 2 No. two storey side extensions following the form of the additions approved on appeal in 2005, but altering the flat roof side element to a chalet style roof extension with single dormer to match the similar element on the eastern elevation. This application was granted in January 2007.
- 2.5 However, in September 2008 it was noted by officers that the dwellinghouse on the site had been substantially demolished and a basement excavated in the exposed ground area beneath where part of the house had been.
- 2.6 An application in November 2008, ref: 3/08/1875/FP seeking permission for extensions to the property, together with a basement (as an amendment of the previous permission granted under ref: 3/07/2438/FP) was submitted. The applicants were advised at that time that, as little of the original dwelling remained, it was no longer possible to consider extensions to the dwelling but that an application for a replacement dwelling would be required.
- 2.7 The application 3/08/1875/FP was therefore withdrawn on 21 January 2009.
- 2.8 An application for a replacement dwelling ref: 3/09/0770/FP was subsequently received in May 2009 and approved by members at the committee on 1 July 2009.

### **3.0 Consultation Responses**

- 3.1 County Highways has raised no objection to the proposal, as there is ample space within the site for parking and turning of vehicles.
- 3.2 Herts & Middlesex Wildlife Trust has no objection to the proposal but draws the applicants attention to the sensitivity of the adjacent wildlife site at Bulls Green village Green.
- 3.3 Environmental Health has no objections to the proposal but requests that conditions in respect of hours of working and soil contamination be attached to any grant of permission.

3.4 Natural England comments that the proposal has the potential to affect protected species (Bats).

3.5 Herts Biological Records Centre comments that if the original house has been substantially demolished, there is no evidence of protected species, (Bats) thus they have no comments to make.

#### **4.0 Parish Council Representations**

4.1 Datchworth Parish Council has no objections 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 No representations have been received at the time of writing this report.

#### **6.0 Policy**

6.1 The relevant policies of the East Herts Local Plan Second Review (April 2007) are:

GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
HSG8	Replacement Dwellings in the Green Belt and Rural Area Beyond the Green Belt.
TR7	Car Parking Standards

#### **7.0 Considerations**

7.1 The determining issues in this case relate to whether the proposed development of the replacement dwelling with additions and a basement accords with the relevant policies of the Local Plan and in particular policies GBC1, HSG8 and ENV1 which relate to the appropriateness of the development, the standard of design, the impact of the proposed development on the character of the area and neighbour amenity issues. In addition, Members should have regard to the previous approved application for a replacement dwelling on the site as this is a material consideration in this case.

7.2 Policy GBC1 (e) of the Local Plan indicates that replacement dwellings

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within the Green Belt may be considered as appropriate development where they accord with the provisions of policy HSG8 of the Local Plan.

- 7.3 Policy HSG8 allows for the replacement dwellings in the Green Belt where the original dwelling is of poor appearance or construction not contributing to the character or appearance of the surroundings. Whilst officers did not accept that the original dwelling was of poor appearance or construction, the previous replacement dwelling was permitted on the grounds that the site had a lawful residential use and that the replacement dwelling then proposed was of a similar size and scale to the original building, together with the previously approved extensions. It would therefore result in a similar development to that which had been envisaged had the original house been extended and it would improve the appearance of the site which is currently poor.
- 7.4 The current proposal results in a development of a similar size and design to the previously approved replacement, the material differences being two modest infill “extensions” and the formation of a basement below the new dwelling. It would therefore be materially larger in volume than the replacement dwelling approved under ref: 3/09/0770/FP although much of this additional volume would be comprised within the internally accessed basement.
- 7.5 As such, the proposal is not in accordance with policy HSG8 or, therefore with policy GBC1 and it is necessary to consider whether there are any very special circumstances in this case to warrant a departure from Green Belt policy. Officers are of the opinion that there are such very special circumstances in this case and that these relate to the existence of the previous extant permission; the modest nature of the rear infill additions and storm porch; and fact that the basement would not be visible and would not therefore detract from the character and appearance of the proposed replacement dwelling or have an adverse impact on the openness of the Green Belt.
- 7.6 The addition of the full basement would, it is accepted, add significant additional volume and floor space to the replacement dwelling, however the basement is only accessed via an internal staircase and as such would have no material visual impact on the Green Belt or rural locality.
- 7.7 Officers therefore consider that this proposal would not harm the character and appearance of the surrounding area or adversely impact on the openness of the Green Belt. The replacement dwelling would be no more visually intrusive than the replacement dwelling approved under ref: 3/09/0770/FP; would occupy the same position within the plot; and would

retain the pattern of surrounding development.

- 7.8 In terms of design, layout and height, the proposal follows the form of the both the original dwelling and the recently approved replacement dwelling. It would compliment the character of the local built environment and has regard to local distinctiveness. The original house was of a distinct 1940's style with render walls, brick segmented arches above windows and doors, a notable full height bay window, distinct pattern of fenestration and hipped roof in clay plain tiles.
- 7.9 The application recreates this design and style, taking note of the proportions and position of all the features of the original dwelling. The additional volume elements also reflect the form of the original dwelling.
- 7.10 Officers also consider that the changes made to the proposed development make a significant improvement to the appearance of the proposed dwelling retaining the form, design, scale and size of the previous approval.
- 7.11 There are, in Officers' opinion, no neighbour amenity issues. There are substantial distances to the retained mature planted side boundaries of 22m to the west and 35m to the east. The rear garden boundary is some 60m to the rear of the dwelling through a predominantly level site, with views over rural countryside and woodland.
- 7.12 In view of its location within the Green Belt and the size of the proposed dwelling, it is considered appropriate and necessary to impose conditions in this case restricting permitted development rights in respect of further extensions and curtilage buildings without express planning permission. Such conditions are therefore recommended at the head of this report.
- 7.13 With regard to the very special circumstances of the case, and subject to the conditions suggested, it is recommended that planning permission be granted.

## **8.0 Conclusion**

- 8.1 Officers consider that the proposed replacement dwelling would enhance the character and appearance of the locality rather than detract from it.
- 8.2 It is accepted that in terms of size, the proposed replacement dwelling does not comply with the provisions of policy HSG8 and is therefore inappropriate development within the Green Belt.

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- 8.3 However in this case, it is considered that the recent planning approval for a replacement dwelling; the minor nature of the further additions, storm porch and hidden basement; and the fact that the resultant replacement dwelling would have much the same impact visually, constitutes very special circumstances in this case to justify the grant of permission.
- 8.4 Having regard to the above considerations it is recommended that planning permission is granted for the replacement dwelling subject to the conditions as set out at the head of this report.