

**3/09/1993/FP – Single Storey Garden Room at Greenlands, Wood End, Ardeley SG2 7AZ for Mr and Mrs Robert Jameson**

---

**Date of Receipt:** 10.12. 2009

**Type:** Full Permission - Other

**Parish:** ARDELEY

**Ward:** WALKERN

**RECOMMENDATION**

That, subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 in respect of the following:-

Upon the date of the grant of planning permission, to abandon and forego any permitted development rights which would otherwise have accrued by virtue of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 1 Class A as amended

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

1. Three year time limit (1T121)
2. Matching materials (2E133)

**Directives**

1. Other legislation (01OL)
2. This permission is subject to the provision of the Section 106 dated.

**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, ENV5, ENV6 and BH5. The balance of considerations, having regard to those policies, together with planning refusal 3/08/2101/FP and the associated Planning Inspectorate's Appeal Decision, is that permission should be granted.

\_\_\_\_\_(199309FP.JS)

## **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It is located at Parker's Green and detached from the main part of Wood End. It forms part of a group of three dwellings within the Wood End Conservation Area.
- 1.2 The site is adjacent to an identified Wildlife Site which includes an area of damp, unimproved neutral grassland.
- 1.3 The site currently comprises a two storey dwelling which is clearly visible on approaching the site from the surrounding footpaths to the south, north and west of the site. The surrounding area is rural in character with open countryside on all sides.
- 1.4 The current application seeks planning permission to construct a single storey garden room extension on the northern side of the building.

## **2.0 Site History**

- 2.1 The history of the site is as follows:

<b>Planning Ref:</b>	<b>Proposal</b>	<b>Decision</b>
3/56/1217/FP	Additions to bungalow	Approved
3/88/1212/FP	Conversion of single storey building into two storey	Approved
3/88/1213/LC	Demolition of front of building to accommodate extension	Approved
3/98/1753/FP	Two storey rear extension	Approved
3/08/2101/FP	Single storey side extension and replacement of garage doors with 2 no. windows	Refused
3/09/0592/CL	Single storey rear extension	Approved

- 2.2 Historically, the building was a single storey thatched dwelling as far back as 1956. It was altered and enlarged over the years and substantially re-built in 1989. A two storey rear extension was added in 1998.
- 2.3 An application for a single storey side extension was submitted in 2008 on the northern side of the dwelling. The application was refused on the basis that the extension, together with the extensions previously added to the

### **3/09/1993/FP**

property, would result in a building of excessive size. It would be out of keeping with the character and appearance of the original dwelling, detrimental to the rural character of the area and the character and appearance of the Ardeley Conservation Area.

- 2.4 The case was taken to appeal. The applicant advised the Planning Inspector of his preference for the appeal scheme rather than the single storey rear extension which could be built as “permitted development” as confirmed by the Certificate of Lawfulness application 3/09/0592/CL. The applicant expressed his willingness to accept the withdrawal of permitted development rights if the side extension, in preference to the rear extension, was considered acceptable.
- 2.5 The Planning Inspector in his Appeal decision took the view that, on its own, the appeal proposal would be acceptable but that, cumulatively with the Certificate of Lawfulness rear extension, the appeal proposal must fail.
- 2.6 The Planning Inspector advised that a signed Section 106 Agreement would be required to ensure that the Certificate of Lawfulness rear extension, or any other rear extension, could not proceed before the proposed side extension.
- 2.7 The Planning Inspector dismissed the appeal for the single storey side extension under planning application 3/08/2101/FP for the reasons provided by the local planning authority, that the side extension together with the extensions previously added or proposed would result in a building of excessive size, out of keeping with the character of the original dwelling, the rural character of the area and the character of the Ardeley Conservation Area.

### **3.0 The Proposal**

- 3.1 The current application seeks permission for the single storey side extension refused under planning application 3/08/2101/FP. The application is however, now accompanied by a draft Section 106 Agreement which covenants with the Council as follows:

*‘Upon the date of the grant of planning permission to abandon and forego any permitted development rights which would otherwise have accrued by virtue of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 1 Class A as amended’*

- 3.2 The proposal for a single storey side extension, considered by the Planning Inspectorate to be acceptable on its own merits, would, together with the accompanying Section 106 Agreement, allow the local planning authority to

### **3/09/1993/FP**

grant planning permission for the side extension and at the same time remove permitted development rights in respect of Class A of the GPDO. Accordingly, the single storey rear extension approved as permitted development under 3/09/0592/CL, as well as any future proposals to extend the property, would require planning permission.

#### **4.0 Consultation Responses**

- 4.1 The Council's Solicitor has advised that he is satisfied with the Section 106 Agreement.
- 4.2 Herts and Middlesex Wildlife Trust request that a condition be attached to any permission with the aim of preventing any damage to the Wildlife site as a result of the proposed development.
- 4.3 The Conservation Officer has advised that she has no objection to the single storey side extension, provided that the single storey rear extension is not built.

#### **5.0 Parish Council Representations**

- 5.1 At the time of writing this report no representations have been received from Ardeley Parish Council.

#### **6.0 Other Representations**

- 6.1 The application has been advertised by way of a press notice, site notice and neighbour notification. No representations have been received.

#### **7.0 Policy**

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

GBC3	Appropriate Development in the Rural Area Beyond The Green Belt
ENV1	Design and Environmental Quality
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria
BH5	Extensions and Alterations to Unlisted Buildings in Conservation Areas

## **8.0 Considerations**

### Principle of Development

- 8.1 The site is located within the Rural Area Beyond The Green Belt where, under Policy GBC3, permission for limited extensions or alterations to existing dwellings may be granted where they are in accordance with Policy ENV5.
- 8.2 Policy ENV5 advises that outside the main settlements and Category 1 and 2 Villages an extension, when considered cumulatively with other extensions, should not disproportionately alter the size of the original dwelling or intrude into the openness or rural qualities of the surrounding area.
- 8.3 Policy ENV1 requires a high standard of design and layout, reflecting local distinctiveness. Additionally, proposals should respect the amenity of occupiers of neighbouring buildings in terms of privacy or overshadowing.
- 8.4 Policy ENV6 requires that proposed extensions should be to a design and choice of materials of construction, either matching or complementary to those of the original building and its setting.
- 8.5 Policy BH5 advises that proposals to alter an unlisted building in a Conservation Area will be permitted where they are sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the building itself, adjacent buildings and the general character and appearance of the area.
- 8.6 In principle, therefore, subject to good design, the limited extension of a dwelling may be appropriate. The recent Inspector's decision confirmed that, in the view of the Inspector, the proposed extension, on its own, was "appropriately and moderately scaled".

### Siting, volume and height

- 8.7 The proposed single storey side extension, or garden room, is relatively modest in size, measuring 4.85 metres by 4.4 metres in floor area. It will be located on the northern side of the dwelling, providing an element of balance to the larger extension on the dwelling's southern side.
- 8.8 If considered alone and on its own merits, the garden room is considered to satisfy the design requirements of Policy ENV1. The development would not be detrimental to the character, appearance and amenities of the

### 3/09/1993/FP

dwelling or adjoining dwellings or intrude into the openness or rural qualities of the surrounding area, in accordance with Policy ENV5. The extension would also be of a design and choice of materials of construction which would match or be complementary to those of the building and its setting, in accordance with Policy ENV6.

#### Impact of proposed development on the Conservation Area

- 8.9 Additionally, the side extension by itself is considered to be sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the building itself, adjacent buildings and the general character and appearance of the Conservation Area in accordance with Policy BH5.
- 8.10 The Conservation Officer has advised that, if considered in preference to the single storey rear extension confirmed as “permitted development” under planning application 3/09/0592/CL, then she has no objection to the single storey side extension.

#### Neighbour Amenity

- 8.11 There would be no loss of amenity to neighbouring residents as a result of the side extension since the development is located on the northern side of the dwelling, away from neighbouring dwellings.

#### Section 106 Agreement

- 8.12 The current application has been submitted with a draft Section 106 Agreement with the objective of securing planning permission for the side extension while removing permitted development rights relating to the single storey rear extension. The Section 106 Agreement would be designed to ensure that the single storey rear extension, approved as permitted development under planning application 3/09/0592/CL, would not be constructed and would ensure that any future proposals for the enlargement of the dwelling would require planning permission.

### **9.0 Conclusion**

- 9.1 Taken on its own merits, there is no objection in principle to the single storey side extension provided that the single storey rear extension, considered to be permitted development under planning application 3/09/0592/CL, is not constructed.

**3/09/1993/FP**

- 9.2 A suitably worded Section 106 Agreement has been submitted to ensure that the single storey rear extension will not be built under permitted development and that any future proposals for the enlargement of the dwelling will require planning permission.
- 9.3 Accordingly, I recommend that planning permission be granted for the single storey side extension, subject to the conditions at the head of this report and subject to a Section 106 Agreement to remove permitted development rights by virtue of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 1 Class A as amended.