

a) 3/09/1266/FP and b) 3/09/1267/LB - Two storey side extension with basement and garden room to rear with part demolition of barn (amended scheme) at Willow Pond House, Levens Green, SG11 1HD for Mrs. Carolyn Windebank.

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Date of Receipt: 11.08.2009

Type: a) Full – Other  
b) Listed Building Consent

Parish: GREAT MUNDEN

Ward: MUNDENS & COTTERED

### RECOMMENDATION

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

1. The development hereby approved shall be carried out in accordance with the approved drawings within 6 months of the date of this permission.

Reason: In order to ensure that the unlawful works to the building are rectified in accordance with the submitted details and previous appeal decision.

2. Samples of materials (2E12).

#### 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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC3, ENV1, ENV5, ENV6 and BH1. The balance of the considerations having regard to those policies and the permission granted under reference 3/02/2537/FP is that permission should be granted.

b) That listed building consent be **GRANTED** subject to the following conditions:-

1. The development hereby approved shall be carried out in accordance with the approved drawings within 6 months of the date of this permission.

Reason: In order to ensure that the unlawful works to the listed building are rectified in accordance with the submitted details and previous appeal decision.

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2. Samples of materials (2E12)
3. Listed building (new window) (8L03)
4. Listed building (new doors) (8L04)
5. Listed building (new external rendering) (8L08)
6. Listed building (making good) (8L10)

### **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 the saved policies of the East Herts Local Plan Second Review April 2007). The balance of the considerations having regard to those policies and Planning Policy Statement 5, and the consent granted under reference 3/02/2538/LB, is that consent should be granted.

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### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It comprises an 18<sup>th</sup> Century or earlier Grade II listed detached residential property located on a large plot and accessed by a track adjacent to the village green. The site lies on the north-eastern edge of Levens Green, within the Rural Area Beyond the Green Belt, and is surrounded by a mix of predominantly large detached dwellings with agricultural land beyond.
- 1.2 Members may recall that the site has been the subject of on-going enforcement action against unlawful extensions since 2007. Planning permission and listed building consent, under references 3/02/2537/FP and 3/02/2538/LB, were approved on the 9<sup>th</sup> February 2004. These applications sought permission and consent for part demolition of the existing building, and construction of a two storey side extension in its place, and a single storey rear garden room. Minor amendments were subsequently granted allowing for a basement area and an alteration of the extension roof with the insertion of dormer windows.
- 1.3 However, in May 2007, concerns were expressed to the Council that outbuildings were being erected without the appropriate planning permission. During investigations it was found that extensive works to both the Grade II listed building and other curtilage buildings had been carried out, not in accordance with the previously approved scheme.

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- 1.4 Members authorised enforcement action and prosecution proceedings at Committee on 19<sup>th</sup> September 2007, and both planning and listed building consent enforcement notices were served on 12<sup>th</sup> November 2007. Amended notices were then served on 17<sup>th</sup> December 2007 providing a full list of works that materially differed from the approved permission, and requiring the owner to either remove the unauthorised works, or make such physical changes as necessary to accord with an earlier consent. In terms of prosecution, the owner was invited to attend a formal interview as it was unclear who was responsible for the unlawful works. Unfortunately, however, during the course of these proceedings, and the subsequent appeals process, the owner passed away.
- 1.5 Applications for planning permission and listed building consent were then submitted (under references 3/07/1425/LB and 3/07/1424/FP) to regularise the works. These applications were both refused under delegated powers on 4<sup>th</sup> September 2007 for the following reason:
- The development that has already been carried out, which is not in accordance with approved application 3/02/2537/FP, is unacceptable in scale, style and design and fails to preserve or enhance the character and appearance of the Grade II Listed building. The development is therefore contrary to policy BH10 of the East Herts Local Plan Second Review April 2007.*
- 1.6 Following refusal of these applications, the applicant lodged an appeal against the enforcement notices. The Inspector dismissed the appeals on 29<sup>th</sup> July 2008 and upheld the requirements of the enforcement notices with a few corrections. A full copy of this decision is attached as Appendix 1. A full list of the works that materially differ from the approved plans is available in Annex A and B of this decision.
- 1.7 The Inspector concluded that the works, both individually and in combination, fail to preserve the special architectural and historic interest of the listed building in conflict with national and local policy.
- 1.8 Since this appeal dismissal, Officers have been in discussion with the applicant to overcome the objections. The current applications were submitted in August 2009, and amendments have since been made to take into account objections raised by the Council's new Conservation Officer.
- 1.9 These current applications propose an amended scheme for a two storey side extension, a single storey rear garden room and basement. The applications have been referred to Members as the additional floorspace, when combined with previous extensions, amounts to inappropriate development in the Rural Area Beyond the Green Belt.

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### **2.0 Site History**

3/07/1424/FP	Retrospective application for works to house, demolition and re-building and outbuildings.	Refused 03-Sep-2007
3/07/1425/LB	Retrospective application for works to house.	Refused 03-Sep-2007
3/02/2537/FP	Part demolition existing building constructing a two storey extension in its place. Construction of a single storey garden room.	Approved with Conditions 09-Feb-2004
3/02/2538/LB	Part demolition existing building constructing a two storey extension in its place. Construction of a single storey garden room.	Approved with Conditions 09-Feb-2004
3/00/0882/FP	Single storey side extension to enlarge kitchen.	Approved with Conditions 27-Jul-2000
3/00/0881/LB	Demolition of roof and two walls of existing 1960s built utility room. Rebuilding of above walls and roof to form enlarged kitchen and lobby.	Approved with Conditions 27-Jul-2000

### **3.0 Consultation Responses**

- 3.1 The Council's Conservation Officer previously objected to the proposal but has since removed her objection following the submission of revised drawings.
- 3.2 County Archaeology make no comment as the current proposals will affect only areas already subject to previous alteration and extension work. They are therefore unlikely to have an impact upon significant archaeological deposits, structures or features.
- 3.3 English Heritage do not wish to comment in detail, but advise that there is a difficult planning history at this Grade II listed property, involving unauthorised work and a rejected appeal, and make the following general comments:
- The new extensions should have a subsidiary character, expressed for example in a lower eaves line.

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- The earlier design for the conservatory by WCP seems more satisfactory in its general form, roof pitch etc.
- On the other hand, the current design for the side SE elevation is considered to be an improvement upon that previously approved.

3.4 They urge the Local Planning Authority to address these issues and recommend that the application be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

### **4.0 Parish Council Representations**

4.1 Great Munden Parish Council have no objections to the applications.

### **5.0 Other Representations**

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

5.2 No letters of representation have been received.

### **6.0 Policy**

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

SD2	Settlement Hierarchy
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
BH1	Archaeology and New Development

In addition to the above, Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Statement 5 (Planning for the Historic Environment), and Planning Policy Statement 7 (Sustainable Development in Rural Areas) are considerations within this application.

### **7.0 Considerations**

#### **Principle of Development**

7.1 The site lies in the Rural Area Beyond the Green Belt wherein only limited extensions are permitted to dwellings that do not cumulatively with earlier

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extensions disproportionately alter the size of the original dwelling. In this case the dwelling was previously extended by a flat roof two storey rear extension in 1964. A single storey side extension was also approved in 2000, which has subsequently been incorporated into the new extensions.

- 7.2 Overall, Officers have calculated that the floorspace would increase from 132m<sup>2</sup> to 319m<sup>2</sup> as a result of the development, representing an increase of approximately 142% over and above the size of the original dwelling. This is considered to be disproportionate and therefore inappropriate development in principle.
- 7.3 However, significant weight is given to the fact that permission was granted in 2004 for similarly large extensions. As the floorspace proposed in this application does not differ significantly from the earlier approval, material considerations are considered to apply to override Rural Area policy.

### **Impact on the Listed Building**

- 7.4 The main issue in this case relates to the impact of the extensions on the special interest of this Grade II listed building, and whether the previous reasons for refusal have been overcome, taking into account the comments made by the Inspector in the earlier appeal decision. The main difference between these current applications and those previously refused in 2007 are as follows:
- 7.4.1 Reduction in length of the two storey side extension by 2.5m, to the length previously approved in 2004;
  - 7.4.2 Removal of northeast elevation windows of the extension and erect external chimney stack as previously approved;
  - 7.4.3 Remove one dormer from both the southeast and northwest elevations;
  - 7.4.4 All dormers to be set 0.25m lower in the roof;
  - 7.4.5 Windows and doors to be realigned on the southeast and northwest elevations as previously approved in 2004;
  - 7.4.6 All casement windows to be replaced with vertical sliding sashes;
  - 7.4.7 The front wall of the link extension will be set back 0.5m and the front gable constructed as approved in 2004;
  - 7.4.8 The link extension roof to be lowered by 0.3m;

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- 7.4.9 Remove new front porch and rooflights;
  - 7.4.10 Realign front windows of the extension to better reflect the previous approval, and replace the existing part glazed door with a simple 4 panel door;
  - 7.4.11 Hip back the roof and replace existing plain clay tiles by slate to match the catslide roof;
  - 7.4.12 A basement is now included in this current application; however this was agreed as a minor amendment under the 2004 consent;
  - 7.4.13 Change external finish from dark stained weatherboarding to light painted render.
- 7.5 The reduced scale of the two storey side extension is now considered to be acceptable, and in line with the 2004 scheme. The amended design of the front aspect of the extension, including removal of the new porch, and construction of the front gable will better respect the character and appearance of this listed building. Further, the amended fenestration and alignment of openings now respects the symmetry of the principal elevation of the original building.
- 7.6 The ridge line of the two storey link extension will be slightly reduced, but cannot be reduced to fully comply with the approved scheme because the 2004 approved drawings were inaccurate. Although the extension does not appear subservient in the submitted drawings (as the ridge height would match the lower part of the existing dwelling), the extension is set back some 4.2m from the principal elevation of the main house and would therefore appear acceptable in scale.
- 7.7 It is noted that the angle of the two storey extension is not as previously approved – it currently follows a 93° angle, rather than the approved and original 96° angle. The Inspector had stated that “this angular relationship was an important characteristic in the special interest of the building.” She went on to say that “the resulting rear wing appears to have a more cramped relationship to the dwelling house to its detriment.” However, Officers consider that the reduction in length of the extension by 2.5m, and change of materials from dark timber cladding to light painted render would overcome this objection by reducing the dominance of the extension and no longer appearing cramped.
- 7.8 The garden room has been the subject of lengthy discussion both prior to the granting of consent in 2004, and following the Inspector’s decision. The Inspector had previously concluded that the garden room windows were

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'badly proportioned'. However, the garden room structure is of a bespoke timber framed design, and therefore the proportions of the windows could not be amended without rebuilding the structure. Following the appeal decision and Officer site visits, Officers have advised that the bespoke design and craftsmanship of this garden room are considered to be acceptable, and this has been confirmed by the Council's new Conservation Officer. It is also noted that garden room is approximately 0.4m longer than originally approved; however this is not considered to be unacceptable.

- 7.9 The roof of the garden room, however, has been somewhat contentious. This was approved as a hipped roof to cut into the main building just below the eaves, retaining 2 rear windows. The unlawful construction, however, cuts into the roof above the eaves, and has resulted in the removal of the 2 rear windows, and the insertion of 3 no. rooflights. The rooflights will be removed as part of this scheme.
- 7.10 Officers had previously advised, following the Inspector's decision, that the garden room roof should be reduced in height to fit below the eaves. However, this would only be achievable with a much reduced pitch angle (from 45° to 25°), which would make the roof appear much lower and rather awkward. Again, this is due to errors in the 2004 drawings which showed the garden room with much lower eaves but not a lower floor level. The Conservation Officer has since advised that the pitch angle should remain higher to better respect the existing pitch of the roof, and the northeast gable end. However, the junction of the garden room roof with the catslide roof needed to be reconsidered, and this has been overcome by providing a valley and a hipped end to the garden room roof. It would not be possible to re-instate the two rear windows; however the Conservation Officer is satisfied that this is now acceptable. It is noted that the Inspector had stated that the garden room results in "an over-dominant roof which detracts from the catslide roof and dominates the rear of the listed building". However, Officers are satisfied that the amended design of the roof is sufficient to overcome this earlier objection.
- 7.11 The overall external appearance of the extensions will also be improved by replacing the dark stained timber weatherboarding with a light painted render. This will lighten the appearance of the extensions and reduce their dominance over the original listed building.
- 7.12 Various features had been removed from the principal elevation of the listed building during construction and these have now been reinstated to the satisfaction of Officers. This includes a 6 panel moulded door with fluted pilasters to a pedimented doorcase, and painted shutters to the ground floor windows.



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7.13 Overall, policy HE7 of PPS5 states that “Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets”. In this case, the unlawful extensions have dominated the listed building and detracted from its significance. The current scheme, however, has been satisfactorily reduced in scale and amended in design to sustain the significance of this listed building. One of the key features of interest in this building is its horizontal and vertical symmetry, particularly evident in the front elevation of the original house. This current scheme now realigns ground floor and first floor windows and doors to respect this symmetry. Finally, the use of lighter materials, realignment of dormer windows, use of traditional sash windows, and overall reductions in scale are such that the proposal is now considered to comply with PPS5.

### **Other Matters**

7.14 The extensions have no impact on neighbouring amenity, nor are there any highway implications as a result of this development. Sufficient parking is provided on site in the form of a triple car port and frontage parking.

## **8.0 Conclusion**

8.1 Overall, Officers consider that this amended scheme has taken on board the advice of Officers following the appeal decision and previous reasons for refusal. The combined effect of these changes in scale and design will result in a scheme that preserves the special interest of this Grade II listed building.

8.2 The applications are therefore recommended for approval subject to the conditions set out above.