

5n 3/11/1892/FP – Proposed two storey and single storey rear extension at Rose Cottage, Elbow Lane, Hertford Heath, Hertford, SG13 7PZ for Mr and Mrs N Brooking

Date of Receipt: 31.10.2011

Type: Full – Other

Parish: HERTFORD HEATH

Ward: HERTFORD HEATH

RECOMMENDATION:

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

1. Time limit (1T121)
2. Approved plans (2E102; 01, 02A)
3. The works to the roof hereby approved shall only be carried out between the 1st September and 31st October and 1st – 30th April, inclusive. All works carried out to the roof shall be conducted under the direct supervision of a licensed bat ecologist and all bat access points and roosting surfaces shall be retained or re-instated once construction is complete.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with 'saved' Policy ENV16 of the East Herts Local Plan Second Review April 2007

4. Prior to work commencing on site details of the type and location within the grounds of the application site of a minimum of two bat boxes shall be submitted to, and approved in writing by, the Local Planning Authority. The boxes shall be erected either by or under the guidance of a bat ecologist, and thereafter retained in their approved locations unless otherwise agreed in writing with the Local Planning Authority

Reason: To protect and enhance the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with 'saved' Policy ENV16 of the East Herts Local Plan Second Review April 2007

5. No lighting shall be fitted to the exterior of the extension

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in

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accordance with 'saved' Policy ENV16 of the East Herts Local Plan
Second Review April 2007

Directive:

1. Other legislation (01OL1)

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 ENV1, ENV5, ENV6, ENV16 and GBC1 and Planning Policy Guidance 2 – Green Belts. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is a detached house located on Elbow Lane, an unmade track serving a number of detached properties and the northern access to Elbow Lane Farm. The site lies within the Metropolitan Green Belt.
- 1.2 The property has previously been extended with a two-storey side extension. In addition, a detached double garage has been constructed to the south of the dwelling.
- 1.3 The proposal is for a further two-storey side extension of comparable size, design and scale to that previously approved.

2.0 Site History:

- 2.1 The following applications have been received at this site:
 - 3/77/1024 – Two-storey side and rear extension – Approved October 1977
 - 3/82/1112 – Two-storey side and rear extensions and front porch – Approved October 1982
 - 3/00/1218/FP – Detached double garage with study above – Approved August 2000
 - 3/02/0960/FP – Amended materials to garage – Approved June 2002

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- 3/10/1862/FP – Two-storey and single-storey extension; Single-storey side extension – Withdrawn

3.0 Consultation Responses:

- 3.1 The County Council Historic Environment Unit has confirmed that the development is unlikely to have an impact on significant archaeological remains
- 3.2 Natural England have reviewed the site bat survey and recommend that permission can be granted, subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats
- 3.3 The Hertfordshire Biological Records Centre has reviewed the site bat survey and recommend that permission can be granted, subject to conditions in line with those recommended in the mitigation strategy

4.0 Parish Council Representations:

- 4.1 Hertford Heath Parish Council has not commented at the time of this report

5.0 Other Representations:

- 5.1 The applications have been advertised by way of site notice and neighbour notification.
- 5.2 No letters of representation have been received at the time of this report

6.0 Policy:

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

GBC1	Green Belt
ENV1	Design and Environmental Quality
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria
ENV16	Protected Species

- 6.2 In addition, the following National policy guidance is relevant:

Planning Policy Guidance 2: Green Belts
Planning Policy Statement 9: Biodiversity and Geological Conservation

7.0 Considerations:

- 7.1 The site lies within the Green Belt. The main consideration is whether the extent of development proposed is appropriate in the Green Belt and if not, whether there are 'very special circumstances' to justify inappropriate development. In addition, the matter of the protection of the bats known to roost in the roof of the property needs to be addressed.

Green Belt

- 7.2 Policies GBC1 and ENV5 of the Local Plan state that limited extensions to dwellings in the Green Belt will be acceptable in principle, and this follows similar guidance given in national PPG2.
- 7.3 The house had an original floor area of 95m². Subsequent extensions have resulted in an increase of 64m² in floorspace, or around 67%. The proposed extension would have a floor area of around 42m², resulting in an overall 111% increase in floorspace.
- 7.4 It is considered that this increase in size cannot be considered as a 'limited extension' to the dwelling, in terms of its scale in relation to the size of the original building. It is therefore necessary to determine whether in this case the proposed extensions would be harmful to the character and the openness of the Green Belt or the character of the existing dwellinghouse.
- 7.5 The impact on the openness of the Green Belt from the proposed extensions would not, in officers' view, be material. The site is in an isolated location, with the garden of Redlands to the east of the site. The extensions would not be a prominent feature in the surrounding area, and their visibility would be limited predominantly to views from Elbow Lane.
- 7.6 The original dwelling would remain the most prominent feature of the site, although it would be smaller than the cumulative extensions. It faces directly onto Elbow Lane and, as the extensions are at the rear and would be set in from the side walls of the house (except at ground floor to the north elevation) the house would adequately screen the extensions from most angles of public view.
- 7.7 In addition, there is extensive landscaping at the site, comprising mature hedges of around 3m in height. These provide additional screening, although the overall effect is not so important that it is considered necessary to require their retention by a condition on the permission.

Protected Species

- 7.8 A bat survey has been carried out to determine whether bats can be shown to be present at the property. The survey findings show that the roof of the dwelling is the site of a roost for at least two species of bats. The proposed extension is considered to have the potential to cause disturbance to bats and impact on bat roofing sites.
- 7.9 In order that the Council be satisfied that planning permission can be granted, given the potential for harm to the protected species, the Council must apply the following three tests to determine whether the application is acceptable, in accordance with the Habitats and Species Regulations 2010:
- The activity must be for imperative reasons of overriding public interest or for public health and safety;
 - There must be no satisfactory alternative;
 - Favourable conservation status of the species must be maintained
- 7.10 The proposed development would provide improved accommodation for the applicants and their family, allowing them to remain at the site rather than requiring them to seek alternative accommodation. This is considered to be sufficient to satisfy the first requirement.
- 7.11 Officers consider that the proposed development is the most satisfactory alternative. Variations on the form or siting of the extension would be likely to result in a greater impact on the Green Belt, and this is not considered to be acceptable.
- 7.12 The survey has included recommended mitigation measures to guard against harm to the bats and their roost during construction. These include the provision of bat boxes and the monitoring of roof works by a bat ecologist. These measures have been confirmed as acceptable by Natural England and the Herts Biological Records Centre, and are conditioned as part of the recommended decision. These measures would be sufficient to ensure the maintenance of the protected species.

Other Matters

- 7.13 The proposed two-storey extension would be of a simple design and scale to the previously approved extension, with a ridgeline matching that of the original house, and would be finished in matching external materials. It would be set in from the flank wall of the house at the first floor, although level with the main flank wall at ground floor. Officers

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consider that the extension would be of a scale in keeping with the original property, and the previously approved extension.

- 7.14 The nearest neighbour to the house is around 45m from the property. There would be no material impact on neighbour amenities as a result of the development.
- 7.15 Overall, although the extensions would represent a significant addition to the overall size of the property, the impact beyond the application site would be very limited. Officers therefore consider that, given the acceptability of its design and lack of impact to neighbours or the Green Belt, 'very special circumstances' exist to justify the development, contrary to local and national policy.

8.0 Conclusion:

- 8.1 The proposals represents more than 'limited' extensions of the property when taken together with existing extensions to the house. However, the development would not result in any significant loss of openness within the Green Belt.
- 8.2 The design of the extension is simple and in keeping with the previous extension. The scale is appropriate to the original house and the extension would not be viewed widely beyond limited views from Elbow Lane.
- 8.3 There would be no material loss of amenities to neighbouring occupiers as a result of the proposed extensions and the proposal is considered to provide adequate protection for bats on the site.
- 8.4 For these reasons it is considered that there are very special circumstances to justify the extensions, contrary to Green Belt policy. It is therefore recommended that planning permission be granted for the proposed development, subject to the conditions outlined above.