

5h 3/12/0200FP – Replacement dwelling amended scheme with new location for replacement dwelling, incorporating a rear orangery extension and basement at Epping Green Farmhouse Epping Green, Herts SG13 8NE for Mr L Eaglestone

Date of Receipt: 02.02.2012

Type: Full – Minor

Parish: LITTLE BERKHAMSTED

Ward: HERTFORD - RURAL SOUTH

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10) - 10567/S/001, 105676 - P003-A , and 10567-P004
3. Samples of materials (2E13)
4. New Doors and Windows (2E34)
5. Construction parking and storage (3V22)
6. Tree and Boundary Hedge retention and protection (4P05)
7. Tree and natural feature protection : fencing (4P07)
8. Tree protection : Excavations (4P09)
9. Programme of archaeological work (2E02)
10. No development shall take place until the details of a bat survey have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the details approved and any mitigation measures contained therein.

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 Policy ENV16 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 the saved policies of the East Herts Local Plan Second Review April 2007, in particular policies GBC1, HSG8, HSG7, ENV1, ENV11, TR7) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and the previous grant of permission under ref: 3/11/0985/FP) is that permission should be granted.

_____ (020012.SD)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is sited to the north of the livery/stud yards at Epping Green with a separate wall and gated vehicular access from the adjacent highway, Church Road. The property is centrally located within the curtilage, screened by tall leylandii front boundary hedge in excess of 4metres in height.
- 1.2 The residential dwelling, built in the 1940's is a detached, two storey property, constructed in brick and tile with a garage sited next to the dwelling. The residential curtilage is clearly defined, with a further 1.3 hectares of agricultural land, laid to meadow, to the north and west of the house in the applicant's ownership. To the rear is a manege in the ownership of the adjoining property.
- 1.3 The application comprises the replacement of the existing dwelling, relocated in a slightly different position 8.0m to the north to prevent overlooking of the neighbouring stud farm. The proposal also includes the addition of a single storey rear glazed orangery (3.6m x 8.7m) with skylight roof, and a basement under the main two storey part of the house with internal access, providing leisure facilities.
- 1.4 Planning permission for a replacement dwelling, without basement and rear orangery, was approved in 2011 on the footprint of the existing house (ref: 3/11/0985/FP). This permission was granted following the submission of detailed evidence from an independent surveyor which concluded that the existing property is in a structurally poor condition.
- 1.5 The current application is a amended scheme, following that approval, which involves re-siting the replacement dwelling further away from the adjacent stud farm and the inclusion of a basement and orangery at the site.

2.0 Site History:

- 2.1 The dwelling on the site, originally erected as a farmhouse in 1940's, has benefited from limited planning permissions. A planning permission for a single storey side extension to provide a kitchen and utility room was approved in 1999, ref: 3/99/1254/FP. Later in 2005 an application for the construction of a new dwelling was refused under ref: 3/05/0917/FP. A further application for a single storey and first floor side extension was approved under ref: 3/05/1428/FP, but only the single storey element was built. In 2006, a two storey front and single and double storey side extensions were approved under ref: 3/06/2455/FP but not implemented.
- 2.2 In 2007 planning permission for a detached garage and stable block to the north of the dwelling was refused due to its scale and was later also dismissed at appeal.
- 2.3 An application for two storey front and side extensions and a single side extension was approved under ref: 3/08/1584/FP, which lapsed in October 2011. In the same year, 2008, an application (ref: 3/08/1741/FP) for a more modest double garage and car port to the north east of the house within the domestic curtilage was approved, but lapsed in December 2011.
- 2.4 Recently, two applications were approved on the site, the first, ref: 3/11/0985/FP, was for the replacement of the existing dwelling on the site on the existing footprint, and the other was the re-submission of the approved garage and car port, ref 3/12/0205/FP.

3.0 Consultation Responses:

- 3.1 The County Archaeologist states that the site is part of a post- medieval farmstead, where there is evidence of a moat visible along the hedged boundary between Epping Green Farm and Epping Green Stud farm. The site therefore has the potential to contain archaeological remains dating, in particular, to the medieval period. As such the position of the proposed development is such that it should be regarded as likely to have an impact on significant heritage assets and a suitably worded condition to cover a scheme of investigation and monitoring should be attached if consent is granted.
- 3.2 Herts Biological Records Centre: Due to the location of the proposed replacement dwelling, even though there is no data records as regards Bats, the site does meet the constraints of the trigger points and as such an initial survey is required to establish whether bats are present, if there is no evidence the application need not be determined on ecological grounds. However, if Bats are present on site an application will need to determine the impact and effect of the proposed demolition on the

protected species and apply the three tests contained in the Habitats Regulation.

3.3 Environmental Health advises that any permission which the planning authority may give shall include conditions for construction hours of working and soil decontamination.

4.0 Parish Council Representations:

4.1 Little Berkhamsted Parish Council raise no objection to the application

5.0 Other Representations:

5.1 The application has been advertised by way of 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:

- GBC1 - Rural Area beyond the Green Belt
- ENV1 - Design and Environmental Quality
- ENV2 - Landscaping
- ENV11 - Protection of Existing Hedges and Trees
- ENV16 - Protected Species
- HSG8 - Replacement dwellings
- HSG7 - Replacement Dwellings
- TR7 - Car parking - Standards

6.2 The National Planning Policy Framework (NPPF) is also a material planning consideration in the determination of the planning permission.

7.0 Considerations:

7.1 The main determining issues in this case relate to the appropriateness of the development within the Green Belt; the impact of the replacement dwelling, with orangery and basement, on the character and appearance and openness of the surrounding area ; the amenity of surrounding properties; and the impact on protected species, archaeology and existing landscaping.

Principle of Development

- 7.2 The site lies within the Metropolitan Green Belt wherein replacement dwellings can be considered appropriate development under policy GBC1 of the Local Plan where the replacement also accords with policies HSG7 and HSG8 of the Local Plan.
- 7.3 Policy HSG8 indicates that proposals for replacement dwellings are considered to be appropriate “*where the original dwelling is of poor appearance or construction not capable of retention and not contributing to the character and appearance of the surroundings in the Green Belt*”.
- 7.4 Policy HSG8 also states that any replacement dwelling should not be materially larger than the dwelling to be replaced and should not be more visually intrusive. Both these policies remain in line with the recently published National Planning Policy Framework.
- 7.5 The earlier scheme for a replacement dwelling on the site (without basement and orangery) was considered to be appropriate under policy HSG8 and the principle of a replacement dwelling on this site was established by that permission (ref: 3/11/0985/FP). The Council accepted the independent surveyor’s report conclusions that the existing building lacks structural integrity and that this indicates that the dwelling was not capable of retention.
- 7.6 In this case, the replacement dwelling has the same footprint as the original dwelling approved under planning permission 3/11/0985/FP, but it would be relocated further to the north of the site, away from the shared boundary to the adjacent Epping Stud.
- 7.7 The roof height of the replacement dwelling would be the same as the original dwelling and the scale and form of the replacement would reflect the original building, with the two storey central core and modest single storey element to the northern flank elevation.
- 7.8 This application, however, differs from the approved scheme in that it includes a glazed orangery of approximately 35 sqm to part of the rear elevation and the development of a basement area of 105.0 sqm under the main part of the house. This would be accessed from the internal staircase with an external emergency access to the ground floor.
- 7.9 The replacement dwelling would, as a result of these additions, be materially larger therefore than the building to be replaced. As such, the proposal would be contrary to policy HSG8 and therefore inappropriate in the Green Belt. However, Officers consider that there are material planning considerations in this case which clearly outweigh any harm caused by the proposal and that these constitute very special circumstances for permitting the development.

- 7.10 The proposed orangery is of a limited size and indeed could, once the house is completed, be constructed under 'permitted development' being located on the rear of the original dwelling. The addition of the orangery would not, in Officers view, detract from the character and appearance of the dwelling or impact adversely on the openness of the Green Belt and it is therefore considered acceptable in accordance with the aims and objectives of policies HSG8 and GBC1 of the Local Plan.
- 7.11 The additional floorspace in the basement does constitute a significant increase in the volume of the replacement dwelling. However, consideration must be given as to whether there is any material harm by reason of the 'inappropriateness' of the proposed additional floorspace volume. The basement is, of course, below ground and would be accessed internally through the main body of the replacement dwelling with a single external emergency staircase access to the ground floor only, on the southern flank wall of the proposed dwelling.
- 7.12 As such, effectively hidden from sight underground, the volume of the additional basement floorspace, would have no visual impact on the surroundings, would maintain the openness of the Green Belt and not conflict with the purposes of including land in the Green Belt. It is considered therefore that there would be no significant harm to the Green Belt in this case.

Design and Character

- 7.13 It is considered that the design of the replacement dwelling compliments the character of the locality and has regard to local distinctiveness. The dwelling would be well sited in relation to the remaining surrounding buildings; would be constructed in sympathetic materials and would not appear obtrusive or over intensive or result in the loss of important landscape features in accordance will policies HSG8 and HSG7.
- 7.14 The dwelling, by reason of its scale, siting, visual aspect and height would not appear more visually intrusive than the dwelling it would replace and therefore is considered to accord with the provisions of policies HSG8, HSG7 and GBC1.

Neighbour Amenity

- 7.15 The siting of the replacement dwelling, moved further to the north, would not adversely impact on the amenities of any neighbouring properties in terms of outlook, privacy or visual intrusion.
- 7.16 Previously, under the 2011 approved scheme, there was an issue of overlooking from one of the rear roof dormers of the proposed replacement dwelling and this was restricted, by planning condition, to

obscure glazing. The current proposal, however, with the re-siting of the replacement dwelling, removes this problem as the dwelling would be sited further away from the southern boundary.

Parking

- 7.17 The proposal does not include the double garage and car port sited to the north of the site as this has been granted planning permission recently under ref: 3/12/0205/FP. There is ample adequate provision for parking and turning on the shingle driveway within the curtilage of the site and the Highways Authority have made no objection to the proposal, which complies with the provisions of policy TR7.
- 7.18 There would, in Officers opinion, be no detrimental impact on landscaping at the site and no comments have been raised by the Council's Landscape Officer. The existing trees are to be retained, as is the leylandii hedge to the front boundary. Tree and hedge protection conditions would be appropriate to protect landscape features within the rural setting that contribute to public views within the area.

Ecology and Archaeology

- 7.19 Herts Biological Records Centre (HBRC) did not comment on the previous replacement dwelling application, (the extant application ref: 3/11/0985/FP) or request that a bat survey be carried out for protected species. The applicants could therefore, if they so wished, implement the 2011 permission without such a survey being carried out. However, the applicant and/or developer would, nevertheless, have an obligation under the Habitat Regulations to protect any bats on site, as it would be an offence not to do so.
- 7.20 HBRC have commented on this application for a replacement dwelling, commenting that there are no data records on the site for bats, but the surrounding woodland, and siting of the building would meet the trigger points, of where bats are likely to be present. As such their recommendation is that an initial survey be carried out and if bats are found, the three tests of the Habitats Regulation be applied and satisfied by the proposal.
- 7.21 Whilst it would not normally be appropriate to impose a condition requiring an initial bat survey to be carried out (one is normally requested prior to making any decision on an application), the existence of the extant planning permission for this site is a material consideration in this case and Officers consider that it is appropriate to permit this development subject to a condition that a bat survey is carried out prior to the commencement of the development. This is not considered to prejudice the applicant as, in accordance with the obligations under the

Habitats Regulations, one would need to be carried out in any event.

7.22 As regards archaeology on the site, the County Archaeologist did not request a condition requiring an archaeological assessment of the site previously. However, they have done so now, with the re-siting of the dwelling, and Officers consider that in view of the consultation response, it necessary and appropriate to impose that condition.

8.0 Conclusion:

- 8.1 The principle of a replacement dwelling on the site has already been established with the previous approval 3/11/0985/FP and the increased volume of the proposed replacement dwelling is considered, in this case, to have very limited impact on the openness, character or appearance of the surrounding area.
- 8.2 It is the officer's opinion that the proposed replacement dwelling would not detract from or adversely impact on the openness or rural qualities of the surrounding area; on neighbouring amenity or intrude into the openness of the Green Belt.
- 8.3 It is therefore considered that there are material planning considerations in this case which would clearly outweigh any harm caused to the Green Belt such that they constitute the very special circumstances required to permit this development. It is recommended that planning permission is granted subject to the conditions at the head of this report.