

5j **3/12/0506/FP – Replacement dwelling incorporating a rear extension at 42 Orchard Road, Tewin, Herts AL6 0HN for Mr D Connolly**

Date of Receipt: 23.03.2012

Type: Full – Minor

Parish: TEWIN

Ward: HERTFORD – RURAL NORTH

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10): '42.OR.12. Plan 2, Plan 3, Plan 4, Plan 5 and Plan 6.'
3. Samples of materials (2E13)
4. Tree and Boundary Hedge retention and protection (4P05)
5. Tree and natural feature protection : fencing (4P07)
6. Tree protection : Excavations (4P09)
7. Construction hours of working (6N07)

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 and in particular policies GBC1, ENV1, ENV2, ENV11, HSG8, HSG7, TR7) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and the previous permission ref: 3/11/1998/FP is that permission should be granted.

_____ (050612.SD)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is located on the western side of Orchard Road and is currently occupied by a detached Arts and Crafts style chalet bungalow built in the late 1940's situated within a rural setting in the Green Belt. The site is also covered by an area Tree Preservation Order (TPO 410) for mixed hardwoods that extends across Tewin. It benefits from established mature tree and shrub landscaping to the northern and southern boundaries with a substantial 4-5m high beech hedge screening the front of the site facing Orchard Road.
- 1.2 To the north of the site is a detached dwelling, 40 Orchard Road, which is some 20m to the north of the common boundary and, to the south, No 44 Orchard Road is located close to the south west corner of the application site with a garage abutting the boundary.
- 1.3 Generally the pattern of development in the area is of large detached houses, set in well-landscaped plots within the protected woodland and with deep front gardens.
- 1.4 The application property itself is a small detached 3 bedroom dwelling with a tall hipped roof and buttress stone chimney, constructed in render and with a plain tiled roof with limited side and rear fenestration. The internal accommodation is limited with 1 small bedroom on the ground floor and 2 bedrooms within the limited loft space served by both side and rear dormers. A double garage is situated adjacent to the dwelling on the eastern boundary next to the established tree line.
- 1.5 The application seeks permission for the demolition of the existing building and its replacement with a new dwelling, incorporating a two storey rear 'extension' of 8.0m x 5.0m with a balcony at first floor level. The resulting new building would largely replicate extensions and alterations to the existing property that were recently granted planning permission under reference 3/11/1998/FP.
- 1.6 That application was for substantial extensions and alterations to the existing dwelling on the site, raising its roof by 0.35m to create a full first floor, together with the addition of a two storey rear extension with balcony at first floor level, two bay windows and an open porch to the front elevation. This was granted planning permission in January 2012.
- 1.7 Since the grant of that permission, however, the applicant has been advised, as a result of a structural survey, that the existing foundations of the house cannot support the new floor, upper walls and roof, as they are

3/12/0506/FP

of limited depth and in shrinkable clay. Furthermore, the property is showing signs of notable structural movement and widespread cracking. As a result, the house would require extensive underpinning in addition to the creation of the new first floor and the extension of the property. The works required to extend the property would therefore be significant, involving removal of the roof; taking the construction down to plate level; strengthening and modifying the existing first floor; creating the new first floor and roof, and also altering the front elevation to create the new bay windows and porch.

- 1.8 The cost of these works would be considerable and the structural engineer comments that there is a degree of uncertainty as to their success in view of the age and various other structural defects with the remaining parts of the property. He argues that the existing property has reached the end of its useful life.
- 1.9 The replacement of the house is therefore proposed and this has the benefit of using new, more energy efficient materials and deeper foundations which can be designed to better accommodate the roots of the mature oak tree on the site and therefore help to ensure its protection in the longer term. Additional energy efficiency measures are also proposed to be incorporated into the new property. 80% of the downstairs would be heated by under floor heating and it is proposed to incorporate solar panels on the south facing elevation of the roof.
- 1.10 The proposed replacement dwelling would have largely the same form, design and dimensions as would have resulted from the extended dwelling approved under ref: 3/11/1998/FP (there is a minor change to the external materials from render and weatherboard, to render and brick).

2.0 Site History:

- 2.1 The application dwelling was originally erected in the late 1940's.
- 2.2 In March 2011 planning permission was refused under ref 3/11/0106/FP for a substantial two storey side extension with pitched roof dormers, extending the dwelling up to the tree lined northern boundary of the site. The application was refused as it was considered that the size, scale and design would have resulted in a dwelling of excessive size which would be detrimental to the open rural character and appearance of the Metropolitan Green Belt. Insufficient information had also been submitted regarding the impact of the proposal on trees the subject of the Tree Preservation Order.

3/12/0506/FP

2.3 Following that refusal, an amended scheme was submitted as mentioned above, under ref: 3/11/1998/FP. This was approved in January 2012.

3.0 Consultation Responses:

3.1 Herts Biological Records Centre comment that the bat survey submitted with the application shows no evidence of bats or a roost site. It can be concluded therefore that there are no ecological constraints regarding the proposed demolition of the property.

3.2 Environmental Health advises that any permission shall include conditions for construction hours of working and soil decontamination where relevant.

3.3 The Council's Landscape Officer comments that it is possible to ensure that there is no significant impact on existing trees (since the proposed footprint for the new dwelling is over the existing foundations) provided tree protection measures are put in place during the demolition and construction phase in accordance with BS 5837:2012. The foundation design should also take into consideration the proximity of existing trees and the officer recommends that permission should be granted subject to relevant conditions for tree protection.

4.0 Parish Council Representations:

4.1 Tewin Parish Council is fully supportive of the proposal.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, 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
- TR7 Car Parking - Standards

3/12/0506/FP

- HSG8 Replacement dwellings in the Green Belt and the Rural Area beyond the Green Belt
- HSG7 Replacement Dwellings and Infill Housing Development

6.2 The National Planning Policy Framework (NPPF) is also a material planning consideration.

7.0 Considerations:

- 7.1 The determining issues in this case relate to the appropriateness of the development within the Green Belt; the impact of the replacement dwelling on the character and appearance and openness of the Green Belt; the amenity of surrounding properties and rural area; and the impact on existing landscaping.
- 7.2 Planning policy in respect of replacement dwellings in the Green Belt is set out in policies GBC1; HSG7 and HSG8 of the Local Plan.
- 7.3 Replacement dwellings in the Green Belt are considered to be 'appropriate development' in circumstances 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. Furthermore, any replacement dwelling should not be materially larger than the dwelling to be replaced; should be no more visually intrusive than the dwelling to be replaced and should be acceptable in terms of design and siting and any impact on the local landscape.
- 7.4 In this case, the applicant has made a convincing case as to the current poor condition of the building. In particular it appears to have several structural problems including notable movement of the walls. The foundations are limited in depth (as reflects the age of the building) and there is widespread cracking of walls internally. The report by the consulting engineers indicates that rebuilding will enable the provision of deeper foundations to a modern standard and that can accommodate existing tree roots and protect against any future damage therefrom. It would enable the provision of improved insulation and enhanced energy efficiency measures and, in the structural engineer's opinion, would be the most cost effective and sustainable option, providing a new dwelling built to current standards with a longer life span.
- 7.5 It is also material in this case to have regard to the extant planning permission for extensions and alterations to the building which would, in any event, have required significant demolition, repair and rebuilding

works at the site.

- 7.6 In accordance with the provisions of policy HSG8, Officers are satisfied that the existing building is of poor construction and that its replacement is a more sustainable option than to repair and extend it as permitted previously. Whilst its replacement could, therefore, constitute appropriate development in the Green Belt, the addition of the extensions (as previously approved) does mean that it will be 'materially larger' than the existing dwelling. It does not therefore, strictly accord with policy HSG8 in that respect and it is for this reason that the application has been reported to the committee.
- 7.7 Nevertheless, the replacement dwelling would have the same footprint and volume as the enlarged dwelling approved under planning permission 3/11/01998/FP and therefore its impact on the openness, character and appearance of the area would be the same as previously approved. Its design would compliment the character of the locality and has regard to local distinctiveness. It would be well sited in relation to the remaining surrounding buildings; would be constructed in sympathetic materials, and would not appear obtrusive in the area or result in the loss of important landscape features in accordance will policies ENV1 and HSG8 of the Local Plan. It would also not, in Officers opinion, have any adverse impact on neighbour amenity in view of the distance from either boundary and the extent of landscaping on the site.
- 7.8 These matters are material considerations of significant weight in this case and officers consider that the limited harm from the development is clearly outweighed in this case by the existence of the extant permission, together with the enhancements that can be made to the sustainability of the development; the protection of the building from the nearby protected tree roots and the ability to mitigate any harm to the area by additional landscaping and the enhanced protection of the trees on the site.
- 7.9 Officers are therefore of the view that these matters, which weigh in favour of the scheme, are sufficient to constitute the 'very special circumstances' required to justify the development in the Green Belt.

8.0 Conclusion:

- 8.1 Officers are satisfied from the information submitted that the existing building is of poor construction, suffering from various structural problems. Whilst it could be argued that those problems could be overcome by extensive repair, rebuilding and underpinning, this would be costly and unlikely to result in a sustainable development in the long term. Furthermore, the earlier permitted works to the house would have

3/12/0506/FP

involved extensive alteration, underpinning and extension of the house in any event, and this is also a material consideration to be weighed in the balance in this case.

- 8.2 The replacement of the existing house, however, will enable the provision of a more sustainable form of development on the site that would better protect the property from the impact of nearby tree roots and therefore, in turn, reduce any pressure in the future to remove those trees.
- 8.3 The proposed replacement dwelling would have the same impact on the surrounding area as the earlier approved extension scheme, which the Council judged to be acceptable, and it is therefore considered that the benefits of the proposal clearly outweigh any harm to the Green Belt such as to constitute the 'very special circumstances' to justify the development.
- 8.4 It is therefore recommended that planning permission is granted subject to the conditions at the head of this report.