

3/14/0254/FP – Erection of 1no. five bed and 1no. four bed detached dwellings with associated off-street parking, landscaping and new vehicular access at The Cottage, Cautherly Lane, Great Amwell, SG12 9SD for Mrs J. Mayes

Date of Receipt: 10.02.2014

Type: Full - Minor

Parish: GREAT AMWELL

Ward: GREAT AMWELL

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:-

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation, other uses appropriate to a rural area, or infill development which complies with policy OSV2. The site is not considered to constitute infill development within the built up area of Great Amwell and the proposed development would result in the loss of an important open space within the village. It therefore comprises inappropriate development in the Green Belt. No very special circumstances are apparent in this case and the proposal, which would also adversely impact on the openness of the Green Belt, would be contrary to policies GBC1 and OSV2 of the East Herts Local Plan Second Review April 2007 and national guidance in the National Planning Policy Framework (NPPF).

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. The Cottage is a detached single storey dwellinghouse set to the eastern side of its large plot. The front elevation of The Cottage faces Cautherly Lane but the northern boundary of the plot runs alongside Madgeways Lane, which is heavily screened by mature landscaping. The site lies within the Great Amwell Conservation Area.
- 1.2 The application proposes the erection of two detached dwellings within the rear garden of The Cottage. The proposed dwellings would front onto Madeways Lane where access for the two dwellings is proposed. The dwellings would be 2 storey, both with attached double garages, and are proposed to be constructed from brickwork, render and hanging tiles with softwood barge boarding and fascias with clay peg tiles. The proposed dwellings would be afforded private rear amenity space.
- 1.3 As well as the double garage proposed for each dwelling, there would be a double driveway and shared turning space within the shared driveway, accessed off Madeways Lane. The existing access and parking arrangements for The Cottage remain unchanged.
- 1.4 The application is being reported to Committee as the applicant is a District Councillor.

2.0 Site History

- 2.1 There is no relevant recent planning history for the site.

3.0 Consultation Responses

- 3.1 The Councils Landscape Officer has recommended refusal of the application, commenting that whilst there would be no unacceptable adverse impact on significant trees, the layout of the dwellings are not well sited in relation to the surrounding buildings and will appear obtrusive and over intensive for the location.
- 3.2 The Council's Conservation Officer recommends approval of the application and comments that whilst the proposal would to some extent erode the rural character of the area, due to the mass, scale, design, orientation, landscape and use of materials the perceived harm is reduced. The scheme respects the character of the immediate and wider historic and architectural character and appearance of the Conservation Area.

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- 3.3 Hertfordshire Ecology note that there are records of old orchards on this site and that the site lies east of a large grassland area with some local interest (Ref: ecosite 60/043). They comment that this grassland area will not be adversely affected by this development and there is no need for ecological surveys.
- 3.4 Hertfordshire County Highways have commented that they do not wish to restrict the grant of permission subject to conditions in respect of visibility splays, retaining walls, access gradient, hard surfacing, on site turning, construction parking, wheel washing and a construction traffic management plan.
- 3.5 The Council's Environmental Health team does not wish to restrict the grant of permission subject to a condition relating to construction hours of working and soil decontamination.

4.0 Parish Council Representations

- 4.1 Great Amwell Parish Council comment as follows:-

'The proposed dwellings represent inappropriate development in the green belt and are therefore contrary to policy GBC1 of the Local Plan. Further, the proposal does not represent limited infill given the open aspect of this area of the parish. If allowed there would be an unacceptable loss of open space that would create a dangerous precedent that would encourage ribbon development. The site also lies within an important gap to the form and setting of Madgeways Lane – a narrow rural highway. It is therefore also contrary to Local Plan Policy OSV2. The creation of a new access to the site would have a detrimental impact on the visual amenity and character of Madgeways Lane and would also lead to an increase in traffic movements that would pose an increased risk of (vehicular and pedestrian) accidents'.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 24 letters of objection, including from the Great Amwell Society have been received raising the following concerns –
- Would encroach open countryside. Inappropriate within the Green Belt. Not infill development

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- Access would be dangerous to users of Madgeways Lane during construction and occupation
- Height of the building would detract from skyline and block important views within the village
- Harm to the historic village and the Conservation Area
- Detrimental to amenities of nearby properties
- School already over subscribed
- Loss of hedgerows, trees and the old orchard
- Will increase surface water drainage and flooding issues
- Adverse impact to wildlife
- Does not meet housing needs of village
- Loss of open space

6.0 Policy

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

GBC1	Appropriate Development in the Green Belt
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG7	Infill Housing Development
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
BH6	New Developments in Conservation Areas
TR7	Car Parking – Standards
OSV2	Category 2 Village

6.2 In addition, national planning policy as set out in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG) are relevant.

7.0 Considerations

7.1 The main issues for consideration relate to:-

- Green Belt and whether the site falls within the built-up area of the Category 2 Village;
- Acceptability of the layout and design;
- Impact to the Conservation Area;
- Neighbour amenity impacts;
- Landscaping;
- Protected species;

- Access and parking.

Green Belt and whether the site falls within the built-up area of the Category 2 Village

- 7.2 The site lies within the Metropolitan Green Belt, wherein in accordance with Policy GBC1 of the Local Plan and policies within the National Planning Policy Framework (NPPF) new residential development would be inappropriate. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.3 Policy GBC1 lists a number of exceptions which would not constitute inappropriate development in the Green Belt including, at (f), limited infill development in Category 2 Villages, in accordance with Local Plan Policy OSV2 (II). Local Plan Policy OSV2 (II) states that infill housing development may be permitted within the built up area of Category 2 Villages. There are no defined boundaries in the Local Plan to identify the extent of the village, or the built up area of the village. It is therefore a matter of planning judgement as to whether the proposal would fall within the built up area of the village. This 'infilling' approach is similar to that of the NPPF which at paragraphs 89 and 90 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions - one such exception is *limited infilling in villages*.
- 7.4 In considering whether the development forms part of the built up area, points (g), (h), (i) and (j) of Policy OSV2 are relevant, which state development may be permitted in a Category 2 village provided that:
- (g) *the site does not represent a significant open space or gap important to the form and/or setting of the settlement;*
 - (h) *the proposal would not unacceptably block important views or vistas within the village of open countryside beyond the village;*
 - (i) *the proposal does not represent an extension of a ribbon of development or an addition to an isolated group of houses; and*
 - (j) *the proposal is sensitively designed, respecting the character, visual quality and landscape of, and is satisfactorily integrated into the village or surrounding area.*

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- 7.5 The Cottage, whilst being located away from more concentrated pockets of development within Great Amwell, does form part of the grain of development along Cautherly Lane and can reasonably be adjudged to form part of the overall settlement. However, 'infill development' is distinguishable from whether the site forms part of the Category 2 village. It should form 'part of the built up area', rather than (as in this case) linking existing built up areas of the village or consolidating isolated groups of buildings.
- 7.6 Whilst the two proposed dwellings would occupy part of the garden of The Cottage, it should be noted that the garden is approximately 72 metres deep. The proposal would form a separate development site which addresses a different road – Madgeways Lane. The site is currently considered to form an important open space within the wider setting of Great Amwell and the extension of built form along Madgeways Lane would not satisfactorily integrate into the village.
- 7.7 Officers therefore consider that the site for the two dwellings lies outside of the built up area of the Category 2 Village and, as it lies within the Green Belt, the development constitutes inappropriate development. Substantial weight must be attached to the harm to the Green Belt. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is therefore necessary to consider whether the development causes any other harm and whether there are any other considerations relevant to the overall balance.
- 7.8 As stated above, Officers consider that the site lies within the Green Belt and, as it currently forms open garden, the presence of 2 large dwellings extending to a maximum ridge height of 9.4 metres, would inevitably be detrimental to the openness of the Green Belt. The Framework states that openness is an essential characteristic of Green Belts so harm to openness carries significant weight. Whilst the garden is surrounded by substantial trees, the introduction of built form would detract from this openness and the rural character and appearance of the area.
- 7.9 Given that the development, by definition, is harmful and that other harm has been identified by reason of the loss of openness, it is necessary to consider whether these matters are outweighed by other issues. These are considered below.

Acceptability of the layout and design

- 7.10 The development around The Cottage is an area of low density populated by a mosaic of irregular building plots of considerable size.

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The absence of regular grid planning and layouts, with the exception of a 20th century cul-de-sac, Madgeways Close, is the key feature of the area and defines its local distinctiveness.

- 7.11 The proposed development would introduce two detached properties of similar character and on regular sized plots of more limited size, to those exhibited in the immediate locality. Given the mix of plot sizes and shapes within the area, the resulting plots are not considered to be harmful to the character and appearance of the area in terms of layout and form.
- 7.12 The locality is characterised by a wide mix of dwelling types and designs. The proposed dwellings are large, in terms of their width and height, designed with a projecting gable end to the front elevation and a large attached garage with accommodation above. The materials are a mix of brickwork, render and hanging tiles with softwood barge boarding and fascias with clay peg tiles. Overall the architectural detailing adds interest to the dwellings, and given the mix of dwellings in the locality there would be no unacceptable impact to this aspect. This would have a neutral impact in the consideration of the planning balance.

Impact on the Conservation Area

- 7.13 Policy BH6 requires development in Conservation Areas to be sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the general character of the area. The concerns raised by local residents and the Parish Council in respect of the proposal having a harmful impact on the character and appearance of the Conservation Area have been noted. In her assessment the Council's Conservation Officer has been mindful of the features that are important to the character of the area, and note that there would only be limited views of the development and that overall the mass, scale, design and orientation is such that the proposal would respect the character of the immediate and wider historic and architectural character and appearance of the Conservation Area.
- 7.14 The dwellings are sited a minimum of 35 metres from the Grade II Listed Building of Great Amwell House, and their orientation and overall design would ensure that there is no harm to the setting of this property. This would have a neutral impact in the considerations.

Affordable Housing

- 7.15 Policy OSV2 points (b) and (c) outline that infill housing development may be permitted provided that:

- (b) *proposals for housing development meet a local need, which has been identified either through the latest District Housing Needs Survey or a subsequent Parish Survey; and*
- (c) *proposals for housing development make provision for up to 40% affordable housing, in accordance with policies HSG3 and HSG4 and comply with criteria set out in Policy HSG7.*

7.16 The Design and Access Statement does not address this issue although the site is of a size that it meets the threshold for affordable housing provision. In this case, however, only 2 dwellings are proposed, which appears to fit comfortably with the overall plot sizes within the locality – the introduction of a third dwelling would result in uncharacteristically small plot sizes which would be harmful to the character of the area. Although there is an identified need for housing within Great Amwell, overall I do not feel that there is a requirement to provide for affordable housing on this site as it could not satisfactorily accommodate it, and as such this is a neutral impact in the considerations.

7.17 There is a current shortfall in housing land supply in the District but the contribution of 2 dwellings to this would, in Officers' view, be immaterial in the wider balance of planning considerations.

Neighbour amenity impacts

7.18 There are residential properties to the south at Mountfield and to the north/north-east at Fairview Cottages and Madgeways Close. These are located at a distance of at least 35 metres and even accounting for any land level differences Officers consider that there would no unacceptable impact to their amenity in terms of outlook, light or overlooking. Plot B would be some 28 metres from the rear of the existing property, The Cottage, and this would also be an acceptable distance to prevent unacceptable harm to their amenity.

7.19 With regard to the levels of amenity that the development would provide for future occupiers, this would be acceptable and in compliance with Policy ENV1 of the East Herts Local Plan. This would have a neutral impact in the considerations.

Landscaping

7.20 The application has been submitted with an Arboricultural Assessment and Tree Protection Method Statement, which outlines that the layout is such that there would be some loss of cypresses trees along the

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Madgeways Lane embankment to enable the site access. These trees have evidence of dead wood which is indicative of decline and, given that this boundary is proposed to be strengthened with new native trees and hedging, on balance it is considered that there would be no unacceptable impact to the wider landscape character of the area.

- 7.21 The siting of the dwellings in relation to existing trees on site is such that it is not considered that these would be impacted by the built form, nor would they be a constraint on the amenity of future occupiers of the dwellings, which would result in future pressures for tree removal. This would have a neutral impact in the considerations.

Protected species

- 7.22 Hertfordshire Ecology has confirmed that there is no requirement for ecological surveys and that the proposal is unlikely to impact upon protected species or local sites. This would have a neutral impact in the considerations.

Access and parking

- 7.23 There has been considerable concern raised from neighbours in respect of vehicular and pedestrian safety from the proposed access, and Officers note that Madgeways Lane does appear to be quite heavily used by children being walked to school. Hertfordshire Highways have assessed the safety of the proposal, and comment that, subject to conditions including visibility splays, the proposal does not raise any highway safety concerns.
- 7.24 In respect of internal access and parking, each dwelling would have a double garage and parking for 2 on the driveway, which would be in accordance with the Councils SPD for Vehicle Parking Provision at New Developments. The development would also provide for acceptable internal road and parking layouts. This would have a neutral impact in the considerations.

8.0 Conclusion

- 8.1 The proposed development is not considered to constitute infill development but represents encroachment beyond the established built up area of the Village of Great Amwell. It is therefore a departure from adopted national and local planning policy being inappropriate development within the Metropolitan Green Belt. It would be harmful to the Green Belt by definition and other harm has also been identified by virtue of loss of openness and harm to the rural character of the area.

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Whilst the detailed design and plot size has regard to adjacent development in the Conservation Area, this is a neutral rather than a positive consideration for the application. Given the very limited contribution to housing supply, no positive benefits are considered to result as a consequence of the development that would clearly outweigh the harm caused by the development and therefore there are no very special circumstances for permitting this inappropriate development in the Green Belt.

- 8.2 It is therefore recommended that planning permission be refused for the reason set out at the head of this report.