

**3/14/0926/FP – New Single Storey Dwelling at 19A Gypsy Lane, Great Amwell, Ware SG12 9RL for Mr K Kessler**

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**Date of Receipt:** 21.05.2014

**Type:** Full – Minor

**Parish:** GREAT AMWELL

**Ward:** GREAT AMWELL

**RECOMMENDATION:**

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

1. Three year time limit (IT12).
2. Materials of construction (2E11).
3. Approved plans (2E103) (200-01, 200-02, 200-03, 200-04, 200-05, 200-06 and 200-LP1).
4. Prior to the first occupation of the dwelling hereby permitted, the existing annex, outbuildings and summerhouse shown to be demolished on drawing no: 200-02, shall be demolished and any debris removed from the site.

Reason: To ensure that there is a satisfactory layout for the site and that adequate private amenity space is retained for the new dwelling in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Withdrawal of PD (2E194) - Schedule 2, Part 1 Class B.
6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 no alteration to the roof of the dwelling, as described in Schedule 2, Part 1, Class C of the Order shall be undertaken without the prior written permission of the local planning authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with Policy ENV9 of the East Herts Local Plan Second Review April 2007.

7. Landscape design proposals (4P12), b, c, d, e, i, j, k and l.
8. Landscape works implementation (4P13).

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9. Construction parking and storage (3V22).
10. Hours of working – Plant and Machinery (6NO5).
11. Prior to the first occupation of the development hereby permitted, on-site turning space, sufficient to enable a mid-sized service vehicle (circa 6.5 metres in length) to enter and exit the site in forward gear shall be provided in accordance with details to be previously submitted to and approved in writing by the local planning authority. The development shall thereafter be retained in accordance with the approved details.

Reason: To ensure that the free and safe flow of traffic on the public highway is not compromised.

12. Prior to the first occupation of the development hereby permitted the area identified for refuse bins on drawing no. 200-04 shall be provided and available for use by the occupiers of the dwelling hereby permitted.

Reason: To ensure that adequate refuse collection facilities are provided in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

#### Directives:

1. 01OL Other Legislation.
2. 28GP Groundwater Protection Zone (Musley Lane).
3. 34AS Asbestos.
4. 19SN Street Numbering.

#### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the pre-app advice given 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 comprises part of the rear garden of no. 19 Gypsy Lane, a two storey detached dwelling, and also incorporates land which was formerly within the ownership of number 17 Gypsy Lane but has since been sold to the applicant.
- 1.2 The application proposes the construction of a single storey dwelling on the site with access being provided between number 17 and 19 Gypsy Lane. The new dwelling would replace an existing annex building on the site which is to be demolished, together with other outbuildings and a summer house. The new dwelling would have three bedrooms and would be finished externally in red stock facing brick, render and red plain tiles. The finished height of the building would be approximately 6.5 metres.
- 1.3 The application has been referred to the Committee at the request of Councillor J Mayes.

### **2.0 Site History**

- 2.1 In 1993 planning permission was granted to change the use of the garage/store at the rear of the main dwelling at 19 Gypsy Lane to form an annex (LPA Ref: 3/93/0534/FP). The annex was further enlarged in 2006 (LPA Ref. 3/06/1940/FP) and is currently occupied by a family related to the owner of the principal dwelling.
- 2.2 The principal dwelling on the existing site, no. 19 Gypsy Lane, was granted planning permission in 2011 (LPA Ref: 3/11/1230/FP) to raise the height of the roof and eaves; to insert new dormer windows, and erect a first floor rear extension and front canopy.

### **3.0 Consultation Responses**

- 3.1 Hertfordshire County Highways have advised that they do not wish to restrict the grant of permission. The Highways Officer comments that the site provides a sufficient amount of parking and turning space for cars although there is no turning space shown on the drawings to provide for mid-sized service vehicles (e.g. a supermarket van). Taking into account the likelihood that the two dwellings will be under separate ownership, it is considered that the new property needs to provide its own turning space for service vehicles within its own boundary. A condition to this effect has been attached to the recommendation for approval.

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- 3.2 Affinity Water advises that the site is located within the Ground Water Protection Zone of Musley Lane Pumping Station.
- 3.3 The Council's Landscape Officer has recommended approval. He indicates that the proposed single storey property would not be visually intrusive given the fact that the existing annex, outbuildings and sheds/summerhouse are proposed to be demolished to make way for the new dwelling. There is no valid reason to refuse the proposal on the impact on nearby trees (which are not of any arboricultural significance); shading by trees of significant landscape value, or on other landscape grounds.

### **4.0 Parish Council Representations**

- 4.1 Great Amwell Parish Council object to the proposal on the following grounds:
- The proposal is inappropriate in the Green Belt contrary to Policy GBC1.
  - It is backland infill which will have a negative impact on the character and appearance of the area where properties occupy spacious open plots.
  - Since the site is a relatively small plot, the dwelling and its access would be detrimental to the visual amenity, privacy and amenities of 19 Gypsy Lane, contrary to Policy ENV1 of the East Herts Local Plan.
  - The proposal will increase traffic movements resulting in an increased risk of vehicular and pedestrian accidents in Gypsy Lane which is a narrow public highway.

### **5.0 Other Representations**

- 5.1 The application has been advertised by way of site notice and neighbour notification.
- 5.2 Responses have been received from 4 local residents, raising the following grounds of objection:
- Concern re transit van and large truck regularly park in the drive. Would like assurance that no commercial vehicles will be parked in the driveway or in the parking area at the front of the house.
  - Concern with demolition of the garage re potential asbestos.
  - Concern with inconvenience arising from potential length of time for works to be carried out, possibly at evenings and weekends.

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- Backland development is not on the building line. It would open up the whole area for backland development and ruin its character. Backland development is inappropriate in the Green Belt.
- A new access road will be necessary which would severely change the appearance of the area with no screening from 8 Gypsy Close resulting in additional noise and visual intrusion.
- The height of the new dwelling at 6.5 metres will reduce light in the garden of no. 8.
- Potential loft conversion would result in further loss of privacy.
- Proposed development will result in loss of privacy to no. 18 Hertford Road. In winter months the proposed new dwelling will have an unrestricted view into their kitchen, living room and bedrooms. If the summer house is demolished there will be a direct line of sight between the properties.
- If trees are planted along the boundary of 19A, it will be several years before the hedge fills out enough to provide adequate privacy to 18 Hertford Road. The plans are misleading. There is no line of trees at the end of the garden of no. 18 Hertford Road to provide any screening.
- Outlook of no.10 Gypsy Close will be affected by this development
- Development not in keeping with the layout of the existing road with detriment to the landscape.
- Rear gardens should not be developed to the detriment of the community.
- Development is contrary to para. 53 of the National Planning Policy Framework (NPPF) which advises resisting inappropriate development of residential gardens.
- Contrary to grain of development.
- Unacceptably cramped with uncharacteristically small rear garden.
- Detrimental to amenities of neighbouring properties.
- Concern that there is an existing commercial use of the site.
- Concern with potential use of roof space of proposed dwelling.
- The proposed new house would be only 22 metres from rear elevation of 19 Gypsy Lane.
- No tree survey.
- No turning space for mid-sized vehicles.
- No waste storage area within 25 metres of waste collection vehicles.
- Doorway on ground floor of no. 19 opens onto driveway to new house.
- Concern for disposal of surface water.
- Concern about the time that can be taken to construct the development and the hours of working at the site.

**6.0 Policy**

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

GBC1	Appropriate Development in the Green Belt
OSV2	Category 2 Villages
SD3	Renewable Energy
HSG7	Replacement Dwellings and Infill Housing Development
TR7	Car Parking - Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV11	Protection of Existing Hedgerows and Trees
ENV24	Noise Generating Development

6.2 In addition, national planning policy as set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) is relevant to the determination of this application.

**7.0 Considerations**

Principle of Development

7.1 The site falls within the Metropolitan Green Belt and also within the built up area of Great Amwell, a Category 2 Village as identified under Policy OSV2 (I) of the East Herts Local Plan. Paragraph (f) of Policy GBC1 – Appropriate Development in the Green Belt – advises that limited infill development is appropriate in Category 2 Villages in accordance with Policy OSV2 (II).

7.2 Infill housing development is defined as up to five small dwellings on a site within the built-up area of the village where such development can take place without damage to the character or appearance of the locality.

7.3 Policy OSV2 (II) advises at paragraph (f) that any proposal should not be significantly detrimental to the amenities of the adjoining area or nearby occupiers and at paragraph (j) that the proposal should be sensitively designed, respecting the character, visual quality and landscape of, and is satisfactorily integrated into the village or surrounding area.

7.4 The National Planning Policy Framework advises at paragraph 49 that housing applications should be considered in the context of the

presumption in favour of sustainable development. Regard should also be had to the Council's current lack of a 5 year housing supply and the need for housing in the District.

- 7.5 In Officers' opinion, provided that the criteria of Policy OSV2 (II) are met, the principle of development within the built-up area of this Category 2 Village is established and supported by the National Planning Policy Framework. The detailed matters relating to those criteria are discussed below.

Impact on Character and Appearance of Area

- 7.6 No. 19 Gypsy Lane is the principal dwelling on the existing site. The annex to the rear is occupied by a family related to the resident of the principal dwelling.
- 7.7 The site also comprises outbuildings and a summer house. The new dwelling will replace the annex which will be demolished together with the outbuildings and summer house. A condition is recommended to ensure that this is carried out.
- 7.8 The built development on the existing site will be significantly reduced as a result of the current proposals. In terms of footprint, the area of the buildings to be demolished amounts to 160.80 square metres whereas the new dwelling will have a footprint of 102.88 square metres. It is therefore considered that the proposal will improve the appearance of the site and the openness of the area within the Green Belt, also taking into account the somewhat ramshackle and unsightly nature of the existing outbuildings.
- 7.9 While it is acknowledged that the new dwelling will be constructed at the rear of several other properties, it would be single storey and of an unobtrusive design which is not anticipated would detract from the wider character and appearance of the area.
- 7.10 The site does not represent a significant open space or gap important to the form and/or setting of the settlement as required by paragraph (g) of Policy OSV2 of the East Herts Local Plan, nor would it block important views within the village or of open countryside beyond the village as required by paragraph (h).
- 7.11 The proposed dwelling has been sensitively designed as a single storey dwelling which would integrate satisfactorily into its surroundings. In view of the considerable reduction in the footprint of built development on the site, the proposed dwelling would not appear more intensive

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than existing development on the site and indeed, would be an improvement in terms of openness and appearance. For the same reason, there should be no significant reduction in garden area for the two households compared with existing.

- 7.12 Paragraph 53 of the National Planning Policy Framework advises that local planning authorities should resist inappropriate development of residential gardens, for example where development would cause harm to the area. However, other material considerations should also be taken into account of course and it is the opinion of Officers that the proposal in this case is not inappropriate and that the development would not cause harm to the area for the reasons set out in this report. The replacement of existing buildings on the site is a key material planning consideration in this case.
- 7.13 Taking the above matters into consideration, Officers consider that there would be no significant adverse impact on the character and appearance of the surrounding area.

#### Landscaping

- 7.14 The Council's Landscape Officer has advised that the proposed dwelling would not be visually intrusive given the fact that the existing annex, outbuildings and summer house are proposed to be demolished to make way for the new dwelling.
- 7.15 The existing trees on the site are not protected and could be retained if planning approval is granted. The trees are not of arboricultural significance and could be replaced with small ornamental trees suitable for a small domestic garden.
- 7.16 Trees on neighbouring gardens would not, it is considered, cast unacceptable shade over the proposed new dwelling.
- 7.17 The proposed property will be accessed by a long straight access drive beside the existing principal property and so no landscape proposals are required, apart from boundary fencing or a proposal for a garden hedge to separate the adjacent properties.

#### Parking and access

- 7.18 The site is shown on Plan 200-03 to provide parking for two cars. This complies with the Council's parking requirements for a three bedroom dwelling in its published Supplementary Planning Document.



7.19 The Highway Authority have recommended that, while the submitted plans provide for sufficient parking and turning space for cars, there is no clearly identified turning space provided for mid-sized vehicles (e.g. a supermarket van). This is important given the limited visibility from the access onto Gypsy Lane in a westerly direction. There is concern that, should the turning space belonging to the main dwelling not be available for vehicles to turn, they will reverse out onto Gypsy Lane. A condition has been recommended to ensure that the new property can provide its own turning space for service vehicles within its own boundary and Officers are satisfied that there is sufficient space within the site to achieve this turning area and that a condition is necessary and appropriate in this respect.

Impact on Neighbour Amenity

7.20 Concern has been raised by local neighbours that the new dwelling would result in loss of privacy and amenity. The new dwelling will be 21 metres away from the rear of 19 Gypsy Lane. Otherwise it is calculated that the development will be at least 25 metres away from the nearest dwelling at no. 8 Gypsy Close. On this basis, and given the scale, height and design of the new dwelling, it is not anticipated that privacy will be compromised by the new dwelling.

7.21 With regard to the concerns of the resident at 18 Hertford Road regarding loss of privacy, it is noted that the rear elevation of no. 18 will be approximately 50 metres from the proposed new dwelling. It is therefore considered that it is unlikely that there would be any overlooking issue. In any event, the windows proposed at the new dwelling are ground floor rooms, views from which will be restricted by the height of boundary fencing and landscaping.

7.22 With regard to the height of the proposed dwelling, there may be some restriction of light in the late afternoon in the garden of no. 8 Gypsy Close but this is not considered to be significant and indeed is a relationship that is common in many residential areas.

7.23 Concerns regarding potential future development of the roof of the new dwelling are acknowledged. These concerns can be addressed by conditions to remove Class B and Class C 'permitted development' rights which relate to roof alterations and extensions and these conditions have been included at the head of this report.

7.24 Some concerns have been expressed regarding refuse storage facilities. However, a waste storage area has been proposed adjacent to the highway as shown in Plan 200-04 so that refuse vehicles do not

need to enter the site.

- 7.25 It is understood that there are commercial vehicles which regularly park in the drive at the application site and neighbours have raised some concerns regarding a possible commercial use of the site. Members will be aware that such matters can be addressed through the normal planning enforcement route if there has been any material change of use of the property and it is not a matter which can be considered as part of this application for planning permission.
- 7.26 Other issues which have been raised by local residents such as construction working hours and the removal of asbestos can be dealt with by condition/directive. The development must be commenced within three years but Members will be aware that there is no time limit in which a development must be completed. Some residents are concerned that the site may become an eyesore if development is delayed. However, there are other powers available to the Council in the event that this were to happen, including the potential for the service of a s.215 Notice. Again, that is not a material planning consideration for this application.
- 7.27 In summary, it is considered that the issues raised by neighbouring residents have been fully considered and addressed and that the requirements of Policy OSV2 (II) (f) and Policy ENV1 (I) (d) with regard to neighbour amenity are met.

## **8.0 Conclusion**

- 8.1 In accordance with Policies GBC1, OSV2, HSG7, TR7, ENV1, ENV2 and ENV11, the new dwelling is considered to be appropriate development in the Green Belt. It would not be detrimental to the character and appearance of the surrounding area and would not result in significant detriment to the amenities of the surrounding area or nearby occupiers and would not be detrimental to highway safety.
- 8.2 Having regard to the above planning considerations, it is recommended that planning permission be granted, subject to the conditions at the head of this report.