

**3/14/1799/FP – Erection of a new carport at 32 Bishop’s Road, Tewin Wood, Tewin, AL6 0NW for Mr E Ismail**

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**Date of Receipt:** 03.11.2014

**Type:** Full – Other

**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) – insert: ‘location, DPL.02, DPL.02 (A), DPL.03, DPL.04, DPL.05, DPL.06A, DPL.07A, DPL08, DPL.09 and DPL.88’

**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 permission ref: 3/92/1603/FP, is that permission should be granted.

\_\_\_\_\_ (79914FP.LP)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It comprises a large detached property located within the semi-rural and spacious, well landscaped residential area of Tewin Wood, sited within the Metropolitan Green Belt. The property has been extended to the sides and rear previously and has a large rear garden and large front driveway.
- 1.2 The application seeks planning permission for the erection of an attached carport at the side of the property. It would sit slightly recessed from the front of the dwelling, with a width of approximately 3.9 metres and a height of 2.8 metres. It would be sited up to the boundary with the neighbouring dwelling at No. 34.

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- 1.3 The application is being reported to Committee for a decision as it is considered to be contrary to Green Belt policy and an objection has been received.

### **2.0 Site History**

- 2.1 The relevant planning history is as follows:

- 3/14/1136/FP – Decking. Granted.
- 3/93/1300/FP – Two storey rear extension and loft conversion. Granted.
- 3/92/1603/FP – Carport. Allowed on appeal.
- 3/92/1226/FP – Front extension of existing garage. Granted
- 3/91/0228/FP – Single storey front extension and chimney. Granted.
- 3/89/1008/FP – Rear conservatory. Granted
- 3/87/1158/FP – Extensions and alterations

### **3.0 Consultation Responses**

- 3.1 No consultation responses have been received.

### **4.0 Parish Council Representations**

- 4.1 Tewin Parish Council object to the proposal. They consider it to be an extension to the main dwelling and would result in overdevelopment of the site which will result in a terracing effect, not in keeping with the surrounding area.

### **5.0 Other Representations**

- 5.1 The application has been advertised by way of neighbour notification.
- 5.2 One letter of objection has been received from the neighbouring property, 34 Bishop's Road, raising concern with regards to the impact on their amenity and that the extension, extending the full width of the plot would be out of keeping with Tewin Wood. They raise further comments in terms of precedent, potential for future applications for a first floor and request that conditions are placed on the property restricting any further developments.
- 5.3 Another resident has written requesting to be kept informed of the outcome of the application.

**6.0 Policy**

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

GBC1 Appropriate Development in the Green Belt

ENV1 Design and Environmental Quality

ENV5 Extensions to Dwellings

ENV6 Extensions to Dwellings – Criteria

6.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in this case.

**7.0 Considerations**

7.1 The main planning considerations in this application relate to the principle of development in the Green Belt; the appropriateness of the size, scale and design of the carport extension and its impact on the character and appearance of the dwelling; and neighbour amenity impact.

**Principle of development / impact on openness**

7.2 As the site lies within the Metropolitan Green Belt as defined in the Local Plan, the principle of development is assessed under policy GBC1 of the East Herts Local Plan Second Review April 2007. Under part (d) of this policy, consideration is given as to whether this proposed extension can be considered as "limited" and whether it accords with the criteria of policy ENV5. The principle objective of this policy is to limit the impact an extension may have on the character and appearance of an existing dwelling and the openness of the Green Belt.

7.3 The history of the site reveals that the original property, built under lpa 3/61/0764/FP, was a relatively modest two storey detached property. In accordance with the planning permissions detailed above, the property has been extended by way of two storey side and rear extensions which has enlarged the property by over double that of the original dwelling. This further extension now proposed would enlarge the dwelling further and would therefore cumulatively exceed what may be considered as representing a limited extension of the property. The proposal would thereby be contrary to policy GBC1 and would represent inappropriate development in the Green Belt. Therefore, and in accordance with Local Plan Policy GBC1 and the NPPF, it falls to be

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determined, if there are any 'very special circumstances' in this case that would clearly outweigh the harm by reason of inappropriateness, and any other harm.

- 7.4 In terms of the very special circumstances in this case, Officers place significant weight on the fact that a carport of this size and siting was previously granted on appeal under lpa ref: 3/92/1603/FP. In determining that appeal the Inspector noted that the proposal would 'not adversely affect the appearance of the locality or the Green Belt'. Although that permission is somewhat dated, there has been no significant change of circumstance to lead Officers to make a different decision.
- 7.5 It is noted that the property has been extended by a 2 storey rear extension since the previous carport permission. However, in determining the application for that extension, the Council acknowledged that both could be built and that no adverse impact would occur. Furthermore, whilst the NPPF is a new national policy, the principle of development within the Green Belt has not changed. Officers therefore conclude that this earlier decision provides a strong supporting argument that there are very special circumstances in this case that would clearly outweigh the harm by reason of inappropriateness and any other harm.

#### Size, scale and design

- 7.6 The extension proposed would be of a modest size and scale, measuring a width of approximately 3.9 metres and a height of 2.8 metres. It is designed with a flat roof to limit any impact on the neighbouring property at No. 34 but with a false pitch to the front elevation so that, from the street scene, it would be in keeping with the character of the dwelling. Furthermore, it would be slightly recessed from the front of the dwelling so that overall it would appear as a subservient extension.
- 7.7 The carport would be sited up to the boundary with No.34, and the resultant dwelling would extend across the full width of the plot. However, it is material to note that many nearby properties extend across their full plots to a similar proportion as proposed here and indeed this was a matter that the Inspector, on the 1992 carport application, noted and accepted. Officers do not consider that any significant harm would arise to openness by the proposal which fills in an area already enclosed by a 2metre high boundary fence.

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- 7.8 Overall, Officers consider that the carport is of an appropriate size, scale and design that would relate well to the character and appearance existing dwelling, the street scene and the wider rural character and openness of the locality.

#### Neighbour amenity

- 7.9 As already mentioned, the proposed carport would be sited up to the boundary with No. 34, which is divided from the application site by a 2 metre high fence. No. 34 is sited forward of No. 32 and is a distance of 5.5 metres from the shared boundary. Whilst, at ground floor, the dwelling has secondary lounge windows facing the development site, given the spacing and single storey nature of the proposal, Officers do not consider that there will be a significant or detrimental impact on neighbours amenity in terms of an overbearing impact, loss of outlook, light or overshadowing or loss of privacy in accordance with policy ENV1 of the Local Plan.

#### Other matters

- 7.10 The comments from the neighbour in respect of the potential for a further first floor extension and request to place restrictions on future developments to the property are noted. However, any future developments relating to extensions to the dwelling would require planning permission and would be considered on their own merits through the normal planning application processes.
- 7.11 The property lies within an area covered by a Tree Preservation Order. However, due to the siting of the carport, no adverse impact on protected trees would occur as a result of this proposal.

### **8.0 Conclusion**

- 8.1 Officers consider that the development proposed, together with previous extensions that have been carried out to the property, cannot be considered as 'limited', and is therefore contrary to policy GBC1 of the Local Plan amounting to inappropriate development in the Green Belt. However, it is considered that there is limited additional harm to the Green Belt in this case as the proposed extension is considered to be of an appropriate siting and design to respect the character and appearance of the dwelling and street scene and not result in harm to the openness of the Green Belt.
- 8.2 Furthermore, the proposed extension would not result in any significant

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harm to the amenities of the occupiers of the neighbouring property or to any other relevant planning considerations. Officers consider that there are 'very special circumstances' in this case that would clearly outweigh the harm by reason of inappropriateness, and any other harm, such as to justify the grant of permission.

- 8.3 The very special circumstances in this case relate to the fact that planning permission has previously been granted, on appeal, for a carport of a very similar size and siting to that now proposed and that decision must be given very substantial weight in the determination of this application. The inspector found that no harm would arise to the character and appearance of the area or to the amenities of nearby residents. Officers do not consider that there have been any material changes in site circumstances or policy since then that would warrant a different decision being made on this occasion.
- 8.4 It is therefore recommended that planning permission be granted subject to the conditions listed at the head of this report.