

**3/15/0960/HH – Demolition of outbuilding and construction of single storey side extension at Penrhyn, London Road, Spellbrook, Bishop’s Stortford, CM23 4BA for Mr and Mrs Hussain**

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**Date of Receipt:** 08.05.2015

**Type:** Full - Householder

**Parish:** SAWBRIDGEWORTH

**Ward:** SAWBRIDGEWORTH

**RECOMMENDATION**

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

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Matching materials (2E13)

**Directives**

1. Bats (32BA3)

**Summary of Reasons**

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 permitted development rights under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015; having regard to the demolition of the existing garage and permitted development rights for extensions to the side of the dwelling and the limited harm to the openness of the Green Belt, is that permission should be granted.

\_\_\_\_\_ (096015HH.MP)

**1.0 Background**

1.1 The application site is shown on the attached OS extract. The existing property is located within the small settlement of Spellbrook and within the Metropolitan Green Belt. It is a large double fronted property, accessed off London Road. There is a fairly substantial garden to the front, with mature planting which obscures views of the frontage of the dwelling from the road.

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There is a driveway to the front of the dwelling which leads to a garage on the northern boundary of the site and also wraps around the front and southern side of the dwelling to a large rear garden.

- 1.2 The proposed development envisages the demolition of the existing detached single garage and the provision of a side extension to the northern elevation of the dwelling. The proposed extension would project approximately 4.5 metres to the side and would extend the full depth of the dwelling, covering the footprint of the existing garage.

## **2.0 Site History**

- 2.1 The relevant planning history to the site is as follows:-

- Planning permission was granted within LPA reference 3/96/1599/FP for the erection of a two storey side and single storey front extension;
- Planning permission was later granted for the erection of a single storey rear extension under LPA reference 3/02/0095/FP and a first floor rear extension under LPA reference 3/02/0927/FP;
- The most recent history relates to the refusal of planning permission under LPA reference 3/12/0822/FP for two storey side extensions, first floor front and rear extensions with balconies and a colonnade to the front.

## **3.0 Consultation Responses**

- 3.1 Herts Ecology recommends that a precautionary approach be taken to building works and recommend that a directive is included on any permission granted relating to the protection of bats.

## **4.0 Town Council Representations**

- 4.1 At the time of writing this report, no representations have been received from Sawbridgeworth Town Council.

## **5.0 Other Representations**

- 5.1 The application has been advertised by way of discretionary site notice and neighbour notification.
- 5.2 One letter of representation has been received from the neighbouring property, Baden Court, raising concerns in respect of the impact on

neighbour amenity in terms of loss of privacy; the proximity of the extension to the boundary and loss of landscape features.

## **6.0 Policy**

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

SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria
ENV16	Protected species

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**

### Principle of development

7.1 As the site lies within the Green Belt, 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, 'limited' extensions to dwellings can be considered appropriate in the Green Belt. This policy principle is reiterated in the NPPF which states that the extension or alteration of a building may be considered appropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

7.2 It is firstly necessary therefore to consider whether the extension proposed in this case can be said to constitute a 'limited' extension to the property such that it constitutes an appropriate form of development in the Green Belt.

7.3 The property originally had a floor area of approximately 126 square metres. Since then, planning permission has been granted for extensions to the dwelling with a floor area of some 169 square metres – an increase of approximately 130% in floor area terms on the original. The extensions now proposed would result in the provision of an additional 33 square metres of floorspace (when allowing for the demolition of the existing garage floorspace which forms an original part of the dwelling).

7.4 The proposed extension, combined with previous extensions would

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therefore result in a total floor area for the property of approximately 202 square metres – an increase of approximately 159% on the original dwelling.

- 7.5 In floor area terms, this significant increase in the size of the dwelling cannot be considered as 'limited' and would result in a disproportionate increase in the size of the dwelling, contrary to policies GBC1 and ENV5 of the adopted Local Plan. The proposal, therefore, represents inappropriate development in the Green Belt and, as such, would, by definition, be harmful to the Green Belt as described in para 87 of the NPPF.
- 7.6 Members will be aware that inappropriate development in the Green Belt should not be permitted except in 'very special circumstances'. National planning policy in the NPPF makes it clear that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.
- 7.7 It is necessary therefore to assess whether, in addition to inappropriateness, any other harm would result from the proposed extension and then whether there are any other considerations in this case that would clearly outweigh this harm, such as to constitute the very special circumstances necessary to grant planning permission.

#### Assessment of any other harm to the Green Belt

##### Openness

- 7.8 The NPPF sets out that the essential characteristic of the Green Belt is its openness. Any loss of openness would therefore result in additional harm to the Green Belt. In this case, even allowing for the demolition of the existing garage, the increase in the width of the house that would result from the proposed extension, together with bringing the extension in line with the front building line, would result in a noticeable increase in the scale and site coverage of the property and result in some loss of openness of the Green Belt. There is therefore some additional harm to the Green Belt in this respect.

##### Character and appearance of the dwelling and street scene

- 7.9 The proposed development incorporates the demolition of the existing garage building and the provision of an extension which follows the alignment of the existing dwelling. The proposed extension appears well proportioned with appropriate spacing to the boundary and would be sympathetic and subordinate to the character and appearance of the

existing dwelling. In this respect, and taking into account the siting of the dwelling away from the road and the partial screening by landscaping, Officers do not consider that the proposed extension would result in any significant harm to the character or appearance of the dwelling or the surrounding area. There is therefore no additional harm to the Green Belt in relation to these matters.

#### Neighbour amenity

- 7.10 The comments from the occupiers of the neighbouring property to the north of the site, Baden Court, are noted and have been carefully considered. That property is approximately 30 metres to the north of the boundary with the application site and, at this distance, it is not considered that the proposed extension would result in any loss of light to, or have any overbearing impact on, Baden Court.
- 7.11 The proposed development does not incorporate any windows on the north elevation fronting this neighbour (other than two high level rooflights) and the development would be set in approximately 0.8metres from the boundary with that neighbour. Officers do not therefore consider that the proposed development would result in any significant harm to the amenity of the neighbouring property.
- 7.12 The occupier of the neighbouring property refers to the potential loss of landscape features on the common boundary. However, none of those landscape features are protected by preservation order or Conservation Area designation and no objection is therefore raised in respect of this matter.
- 7.13 The additional harm identified to the Green Belt in this case is therefore limited to some loss of openness resulting from the new extension. It is necessary then to assess whether there are any other considerations in this case that would clearly outweigh the harm caused to the Green Belt by inappropriateness and this limited loss of openness.

#### Other considerations

- 7.14 It is a material consideration in this case that the property has 'permitted development rights' that could be exercised, and a 4 metre wide single storey extension could be added to the side of the property that would not require planning permission. Whilst this couldn't extend the full depth of the property without permission (hence the need for permission in the case of this current proposal), it would nevertheless have a very similar impact on the openness of the Green Belt and the character and appearance of the surrounding area.

- 7.15 In addition to that, the proposed extension in this case would effectively replace the existing garage in a similar location and with similar proportions. In this respect, there would be little difference in built form when comparing the proposed side extension with the siting of the existing garage building and a side extension that could be permitted by the General Permitted Development Order.
- 7.16 These considerations are of significant weight and, taken together, Officers consider that they are sufficient to clearly outweigh the limited harm caused to the Green Belt by inappropriateness and loss of openness. As such, it is considered that very special circumstances exist in this case to warrant the grant of planning permission.

## **8.0 Conclusion**

- 8.1 The proposed development represents an inappropriate form of development in the Green Belt and the Council are required in the NPPF to attach significant weight to that consideration. Furthermore, the proposal would result in some harm to the openness of the Green Belt.
- 8.2 However, as set out above, the proposed development would not result in significant harm to the character or appearance of the dwelling or to neighbour amenity. It has also been demonstrated that a similar extension could be constructed under permitted development rights (in terms of the front half of the extension) and that the side extension would replace an existing detached garage building in any event. Officers are satisfied that these material planning considerations are sufficient to clearly outweigh the harm caused to the Green Belt in this case. As such, very special circumstances exist in this case to justify the grant of planning permission.
- 8.3 For the reasons outlined above it is therefore recommended that planning permission is granted, subject to conditions.