

**3/15/0908/HH – Proposed single storey extension on western side with extension to conservatory on southern elevation at 1 The Vineyard, St Leonards Road, Bengoe for Mr and Mrs T Chandler**

**Date of Receipt:** 01.05.2015

**Type:** Full - Householder

**Parish:** HERTFORD CP

**Ward:** HERTFORD - BENGEO

**RECOMMENDATION**

That, subject to the applicant entering into a s.106 obligation to the effect that:-

- upon the grant of planning permission, the applicant and their successors in title undertake not to erect the 3 storey staircase/bathroom extension approved under reference 3/02/0126/FP,

planning permission in respect of application 3/15/0908/HH be **GRANTED** subject to the following conditions:-

- 1 Three Year Time Limit (IT12)
- 2 Approved Plans (2E10)

**Informatives:**

1. Other Legislation (01OL)
2. 08P01 Planning Obligation

**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 2015. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

\_\_\_\_\_ (090815HH.JS)

**1.0 Background**

- 1.1. The application site is shown on the attached OS extract and comprises a

detached two storey dwelling situated to the south of St. Leonards Road in Bengeo. It lies within the Metropolitan Green Belt and within the Hertford Conservation Area.

- 1.2. The proposal seeks planning permission for the erection of a single storey extension to the western side of the property, which would create an additional dining area and enlarged conservatory for the property.
- 1.3. A similar proposal was submitted in December 2014 under reference 3/14/2035/FP but was refused as the Council considered that the cumulative impact of the proposed extension, together with earlier extensions and the fact that a further extension could be constructed under an extant permission (3/02/0126/FP), would result in disproportionate additions to the property. The development was therefore considered to be inappropriate in the Green Belt.
- 1.4. Within the current application, however, the applicant has submitted a draft section 106 agreement to the effect that, upon the grant of planning permission for the current proposal, the applicant and their successors in title will undertake not to erect the 3 storey staircase/bathroom extension approved under reference 3/02/0126/FP. They argue that the proposed single storey extension would have less impact than the previously approved three storey rear extension and that this provides the 'very special circumstances' necessary to justify the development in the Green Belt.

## 2.0 Site History

2.1 The planning history for the site can be summarised as follows:-

<b>Planning Ref:</b>	<b>Proposal</b>	<b>Decision</b>
3/14/2305/FP	Single storey extension on western side with extension to conservatory on southern elevation	Refused
3/13/1850/FP	Single storey side extension with extended side extension to conservatory on rear elevation	Refused
3/04/0246/FP	Change of use of amenity land to car parking	Refused, allowed on appeal
3/03/0183/FP	Single storey front extension	Approved
3/02/1431/FP	Land adj 1 The Vineyard – construction of hard area for parking cars	Refused
3/02/0126/FP	Rear extension and new staircase, construction	Approved

	of lean-to conservatory on the front elevation and extension of kitchen (This has been commenced, but the 3 storey rear extension has not been implemented)	
3/97/0512/FP	First floor extension over existing flat roof - amended	Approved

### **3.0 Consultation Responses**

3.1 No consultation responses have been received.

### **4.0 Town Council Representations**

4.1 Hertford Town Council has no comments to make on the proposed development.

### **5.0 Other Representations**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 One letter of objection has been received from 39 St Leonards Road, Bengoe, which can be summarised as follows:-

- The site falls within a sensitive location in the Metropolitan Green Belt, close to St Leonard's Church and next door to a thatched cottage.
- While the impact of the proposed development appears significant, provided that matching materials are used, the development could look acceptable.
- It is preferred that no further planning permissions are granted at 1 The Vineyard but, if so, would support the offer to negate the previous planning permission for a three storey extension.

### **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

BH5 Extensions and Alterations to Unlisted Buildings in Conservation Areas

6.2 The National Planning Policy Framework (NPPF) and national policy in the National Planning Policy Guidance (NPPG) are both material considerations in the determination of the application.

## **7.0 Considerations**

7.1 The main considerations in the determination of the planning application relate to:

- Principle of development within the Metropolitan Green Belt (including consideration of extant planning permission 3/02/0126/FP)
- Design
- Impact on the Hertford Conservation Area
- Neighbour Amenity

### Principle of Development within the Metropolitan Green Belt

7.2 The site is located within the Metropolitan Green Belt wherein Policy GBC1 of the adopted Local Plan states that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness and any other harm. 'Limited' extensions are considered appropriate in accordance with Policy ENV5. Policy ENV5 requires that outside main settlements and Category 1 and 2 Villages, extensions are expected to be of a scale and size that would, together with other extensions, not disproportionately alter the size of the original dwelling or intrude into the openness or rural qualities of the surrounding area. This accords with national planning policy in the NPPF.

7.3 It is first necessary therefore to consider whether the proposed extension can be considered as 'limited', such that it would represent appropriate development in the Green Belt.

7.4 It is calculated that the floor area of the original dwelling amounted to some 104 square metres. As a result of the extensions now proposed, together with the extensions already built, the floor area of the property would be increased to an area of 177 square metres. Taken as a percentage increase over and above the original dwelling, the floor area would be increased by approximately 70%.

- 7.5 Officers consider that the proposed extension cannot therefore be considered as a 'limited' one. The increase proposed, taking into account previous extensions, would be a disproportionate addition to the dwelling, and would be contrary to policies GBC1 and ENV5 of the East Herts Local Plan. The proposal would therefore amount to inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt.
- 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 to consider 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 Some additional harm would result from a loss of openness in this case, due to the increased width of the built form on the site, resulting in a more sprawling and less compact dwelling.

##### Design, scale and layout

- 7.9 The current proposal follows the informal submission of a number of designs for the Council's consideration. The front elevation appears relatively balanced on either side and the hipped roofs provide an element of homogeneity to the building. While the development now proposed is the result of piecemeal additions to what was once a simple cottage, the proposals are nevertheless considered to be acceptable with reference to Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan. No additional harm is therefore identified as a result of these considerations.

##### Impact on the significance of the Hertford Conservation Area

- 7.10 Consideration is given to the prominent location of the dwelling with open views to the south of the site. The house forms a feature in the view of St Leonard's Church, a Listed Building, and the Warren from the Meads below. As such it is visible from the public viewpoint to the south, while to

the north of the site there is a public footpath leading towards the Warren, a leafy pedestrian walkway frequently used by the general public.

- 7.11 Officers consider that the replacement of the three storey staircase/bathroom extension previously approved by a single storey side addition would be more acceptable in this sensitive location. On balance the current proposals are considered to be sympathetic in relation to the building, neighbouring buildings and the general character and appearance of the Conservation Area. No additional harm is therefore identified in this respect.

#### Neighbour Amenity

- 7.12 In view of the location of the proposed extension against a steep, near vertical incline to the north, it is not anticipated that there will be any loss of neighbour amenity as a result of the proposed extensions and no additional harm is therefore identified in this respect.
- 7.13 Given that the development is, by definition, harmful and that other harm has been identified in respect of some loss of openness, as set out above, it is necessary to consider whether these matters are clearly outweighed by other issues which would amount to the 'very special circumstances' necessary to justify the development in the Green Belt.

#### Other considerations

- 7.14 In this case, the planning history of the site is a material consideration of significant weight. Under planning application 3/02/0126/FP permission was granted for a 3 storey extension to the north elevation of the property; a lean-to conservatory on the front elevation, and an extension to the kitchen. This approved development was commenced, but not completed, as the 3 storey staircase/bathroom extension was never built. In these circumstances, the permission remains extant such that the 3 storey extension could be built at any time in the future.
- 7.15 The approved 3 storey extension has a floor area of approximately 34 sqm and if constructed would, together with the previous extensions, result in a total floorspace increase to the property of approximately 71% - very similar then to the percentage increase currently proposed within this application of 70%). It would, however, have a greater visual impact on the surrounding area than the single storey extension proposed within this application and it would also have an arguably more significant impact on the openness of the Green Belt.
- 7.16 As mentioned previously, however, the applicants have now expressed

their willingness to forgo their right to complete the 3 storey extension permitted under extant permission 3/02/0126/FP should the Council be minded to grant planning permission for the development now proposed under the current application reference 3/15/0908/HH. They consider that the proposed relinquishment of this three storey addition would represent the 'very special circumstances' that should enable the local planning authority to accept the principle of the proposed development.

- 7.17 Officers concur that, subject to the provision of a satisfactory legal agreement, this would constitute a material consideration of significant weight in the overall planning balance. The previous extension, involving a 71% increase in the floorspace of the property, and at 3 storey scale, was considered to be acceptable, and therefore it would be difficult to argue that a 70% increase at single storey level (as currently proposed) would not equally be acceptable in Green Belt terms. The provision of both, however, would not be acceptable but if the earlier permission for the 3 storey extension were relinquished, then the provision of this single storey extension alone would, in Officers opinion, have less impact on the openness, character and appearance of the Green Belt.
- 7.18 In addition to that, it is also a material consideration in this case that the property has 'permitted development rights' that could be exercised and a 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 similar impact on the openness of the Green Belt and the character and appearance of the surrounding area.
- 7.19 These considerations are of significant weight and, taken together, Officers consider that they are sufficient to clearly outweigh the identified harm caused to the Green Belt by inappropriateness and loss of openness in respect of the application proposals. As such, it is considered that very special circumstances exist in this case to warrant the grant of planning permission, subject to a s.106 agreement as set out at the head of this report.

## **8.0 Conclusion**

- 8.1 It is acknowledged that the development as proposed amounts to inappropriate development within the Metropolitan Green Belt and that there would be some additional harm in this case relating from a loss of openness.
- 8.2 However, there are other considerations in this case which Officers

consider would outweigh the harm that would be caused to the Green Belt. Taking into account the submission of a section 106 Agreement not to complete the proposals approved under extant planning permission 3/02/0126/FP (which is itself inappropriate and having greater impact than the current proposal), and having regard to the fallback position of permitted development rights, it is considered that there are 'very special circumstances' to justify the development in the Green Belt.

- 8.3 The proposed extensions are considered to be appropriately designed and will not result in significant harm to the character and appearance of the dwelling, the Conservation Area or to the open rural setting and Officers consider that the circumstances of the case should allow a departure from policy. The proposed extensions would not result in any significant harm to the amenities of the occupiers of the neighbouring property or to any other relevant planning considerations.
- 8.4 It is therefore recommended that planning permission be granted subject to the applicant entering into a section 106 agreement and subject to the conditions listed at the head of this report.