

**5n E/10/0072/B - Unauthorised extensions to Danes Lodge, 36 Little Berkhamsted Lane, Little Berkhamsted, SG13 8LU.**

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**Parish: LITTLE BERKHAMSTED**

**Ward: HERTFORD RURAL SOUTH**

**RECOMMENDATION**

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The 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; limited extensions to existing dwellings or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the development is not considered to constitute a limited extension. It is therefore contrary to saved policy GBC1 of the East Herts Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.
2. The extensions are of an excessive size in relation to the original dwelling, and of a scale and design that is out of keeping with its character and appearance as a lodge house and to the character of the area as a whole. It is therefore contrary to saved policies GBC1, ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.

\_\_\_\_\_ (007210B.CA)

**1.0 Background**

- 1.1 The property is located on the northwest side of Little Berkhamsted Lane, Little Berkhamsted at the edge of the village, about 380 metres southwest of the junction with Church Road. The site is within the Metropolitan Green Belt.

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- 1.2 The building is a single storey lodge house set at the entrance to Danes Estate. It is not listed and lies just outside the Little Berkhamsted Conservation Area, yet it has a distinctive character with impressive chimney stacks.
- 1.3 In April 2008 a planning application was submitted under application number 3/08/0630/FP seeking permission for a scheme to raise the roof ridge and build a two storey rear extension. This was refused under delegated powers on 28<sup>th</sup> May 2008.
- 1.4 The officers report on that decision states “The application proposes a floorspace increase of approximately 69m<sup>2</sup>, which represents an increase of approximately 85% over and above the original dwelling. This is not considered to be limited, and given the scale of extensions proposed, including a raising of the main ridge, it is considered that this proposal would disproportionately alter the size of the original dwelling in conflict with policy ENV5”. The report further states that “The raising of the roof by 1m is considered to fundamentally alter the character and appearance of the lodge by appearing over-dominant and reducing the prominence of the chimneys. It is therefore considered that both the raising of the ridge and addition of a two storey extension would adversely impact on its character and that of the surrounding rural area. Further, lodge houses tend to have particular historical connotations, and are normally restricted from extensive alteration in order to preserve that unique character.” and “The proposal is therefore also unacceptable in principle given its Green Belt location”.
- 1.5 Following negotiations with the planning case officer, a further scheme was submitted under application number 3/09/1511/FP. This scheme was a reduction of the previously submitted scheme and proposed an increased floorspace of 52m<sup>2</sup>, approximately 65%, over and above the original dwelling; a reduction from the 85% sought by the original application. The reduced scheme was granted under delegated powers on 17<sup>th</sup> November 2009.
- 1.6 In March 2010 a concern was expressed to the Authority that the works to the site were not being carried out in accordance with the approved plans. The enforcement officer visited the site on 22<sup>nd</sup> March 2010 and found that the works did not accord to the approved plans; the width of the extension had been increased, two dormer windows were being installed (none were present on any of the applications); the ridge height had increased; the removal of a chimney in the rear elevation; the repositioning of the rear door and installation of further windows.

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- 1.7 The enforcement officer informed the builder that any works could only continue at the owner's risk. He also spoke to the agent who indicated that he wished to seek a planning officer's advice regarding regularising the works.
- 1.8 In July 2010 plans of the building, as it is being constructed, were submitted to the planning case officer. These show the insertion of two dormer windows and an additional increase in ridge height of 0.7m, both of which are considered to be out of keeping with the original dwelling. The plans also show that the floor area not only exceeds that granted planning permission by 45.13m<sup>2</sup> but also exceeds that refused planning permission under application number 3/08/0630/FP.
- 1.9 The planning case officer wrote to the owner and agent informing them that the works and proposal were unacceptable and that the matter may be referred to Committee.
- 1.10 Photographs and plans of the site will be available at the meeting.

## **2.0 Planning History**

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

3/08/0630/FP      Raise roof ridge and two storey rear extension.  
Refused

3/09/1511/FP      Raise roof ridge and two storey rear extension.  
Granted

## **3.0 Policy**

- 3.1 The relevant national policy in this matter is contained within PPG2 - Green Belts.
- 3.2 The relevant saved policies of the adopted Local Plan in this matter are:

GBC1              Appropriate Development in the Green Belt.  
ENV1              Design and Environmental Quality.  
ENV5              Extensions to Dwellings.

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### **4.0 Considerations**

- 4.1 As previously mentioned, the site is within the Green Belt wherein National and Local Plan policies are aimed at the protection of the countryside and the prevention of urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. It is considered that the unauthorised development at the property represents a disproportionate increase in the size of the original dwellinghouse and adversely impacts upon the openness, character and appearance of the Green Belt. It is therefore contrary to saved policy GBC1 of the East Herts Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.
- 4.2 The development is also of a scale and design that is out of keeping with its character and appearance as a lodge house and the character of the area as a whole. It is therefore contrary to saved policies GBC1, ENV1 and ENV5 of the East Hertfordshire Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.

### **5.0 Recommendation**

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised development.