

DEVELOPMENT MANAGEMENT COMMITTEE – 25 MAY 2016

Application Number	3/16/0331/HH
Proposal	Erection of garage
Location	Penrhyn, London Road, Spellbrook, Bishop's Stortford, CM23 4BA
Applicant	Mr Hussain
Parish	Sawbridgeworth
Ward	Sawbridgeworth

Date of Registration of Application	04 March 2016
Target Determination Date	29 April 2016
Reason for Committee Report	The application is contrary to Green Belt Policy and objections have been received from a neighbouring property
Case Officer	Martin Plummer

RECOMMENDATION:

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 The proposed development is considered to represent an inappropriate form of development in the Green Belt having regard to the various extensions previously granted planning permission at the property. In such circumstances, Members will be aware that planning permission should only be granted where there are other material considerations that clearly outweigh any harm to the Green Belt such as to provide the very special circumstances necessary to justify the grant of planning permission.
- 1.2 The garage building is considered to have some impact on the openness of the Green Belt but there is not considered to be any significant harm to the character or appearance of the dwelling and its setting, or on the living conditions of neighbours.
- 1.3 It is a material consideration of considerable weight in this case that an outbuilding could be erected under 'permitted development' rights in a similar location to that proposed in this application, albeit of slightly reduced height. This is considered to be sufficient to clearly outweigh the limited harm to the Green Belt by reason of inappropriateness and

loss of openness. Very special circumstances are therefore considered to exist in this case to warrant the grant of planning permission.

2.0 Site Description

2.1 The application site 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 of the property with mature planting which obscures views of the frontage of the dwelling from the road. There is a driveway to the front of the dwelling which leads around the side and rear of the property to the site of the proposed garage.

2.2 A single storey side extension is currently under construction at the side of the property and, to the rear of the dwelling, is a large patio area. Immediately adjacent to that patio is a brick structure which is currently around 1 metre in height – that structure is the partially built garage for which planning permission is sought within this application.

3.0 Background to Proposal

3.1 Planning permission was recently granted for the demolition of a previous garage at the side of the house and the erection, in its place, of a side extension (reference 3/15/0960/HH). As mentioned above, work has commenced on the construction of that approved extension.

3.2 At or around the same time that the above mentioned side extension was commenced, concerns were raised that the development was not being implemented in accordance with the approved plans and that extensions to the existing rear patio were being undertaken. The matter was investigated by the Planning Enforcement Team and investigations found that the side extension has been implemented in accordance with the approved plans (3/15/0960/HH) but additional building work has been undertaken to the rear of the property (the commencement of the garage the subject of this application) which requires planning permission. This application therefore seeks consent to regularise those building works.

4.0 Key Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
The appropriateness of the development in the Green Belt	87, 88 and 89	GBC1
Impact on openness of the Green Belt and other harm	Section 9	GBC1
Impact on the character and appearance of the site and surroundings and the local green space	58,76, 77, 78	ENV1, ENV2 and ENV11
Impact on neighbour amenity		ENV1

4.2 Other relevant issues are referred to in the 'Consideration of Relevant Issues' below.

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

6.1 Hertfordshire Ecology comments that there is no reason to request ecological surveys in this case and it is not anticipated that there are any ecological constraints to the development.

6.2 Natural England has no comment to make on the application.

6.3 The Environment Agency comments that the boundary of the site is close to a watercourse but is not within a flood zone.

7.0 Town Council Representations

7.1 Sawbridgeworth Town Council raises no objection to the application.

8.0 Summary of Other Representations

8.1 One letter of representation has been received from the occupiers of the neighbouring property, Baden Court, who object to the application and raise concerns in respect of the removal of landscape features associated with the development; the siting of the development on the boundary, and that the proposal is not suitable for a garage due to its location at the rear of the property.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:

Ref	Proposal	Decision	Date
3/96/1599/FP	Two storey side and single storey front extension	Approved with conditions	09.01.1997
3/02/0095/FP	Single storey rear extension	Approved with conditions	05.03.2002
3/02/0927/FP	First floor rear extension	Approved with conditions	21.11.2002
3/12/0822/FP	Two storey side extensions, first floor front and rear extensions with balconies and colonnade to front	Refused	12.07.2012
3/15/0960/HH	Demolition of outbuilding and construction of a single storey side extension	Approved with conditions	23.07.2015

10.0 Consideration of Relevant Issues

Principle of Development

- 10.1 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.
- 10.2 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.
- 10.3 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. Planning permission has recently been granted for an additional 33 square metres of floorspace associated with the demolition of the side garage and the erection of a single storey side extension (as approved under reference 3/15/0960/HH). The dwelling has, therefore, already been increased by approximately 159% in floor area terms from the original dwelling.

- 10.4 The building proposed within this application would increase the floor area further and the resultant 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.
- 10.5 Members will be aware that inappropriate development in the Green Belt should not be approved 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'.
- 10.6 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.

Other harm

Openness

- 10.7 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. The building for which planning permission is sought is well consolidated with the existing built form on the site and is at single storey with a low and shallow mono-pitched roof. Although the siting and design of the building does reduce the impact of the development there is nevertheless considered to be some limited harm to the openness of the Green Belt.

Character and appearance of the building

- 10.8 The garage building is, as noted above, well consolidated with the existing building form and is of modest proportions with a shallow pitched roof. The siting of the garage, immediately adjacent to the rear patio area is unusual but, given its small scale with a shallow pitched roof, it is not considered that there would be any significant or demonstrable harm to the character or appearance of the dwelling or its setting.
- 10.9 As noted by the occupiers of the neighbouring property, there are landscape features on the site boundary adjacent to the proposed garage and this development will impact on those landscape features. However, none of these are protected by Tree Preservation Order or Conservation Area designation, and they are considered to be of limited amenity value. Their loss would not therefore have a significant impact on the character or appearance of the dwellings or the surrounding area. There is, therefore, no additional harm to the Green Belt associated with these matters.

Neighbour amenity

- 10.10 The comments from the occupiers of the neighbouring property to the north of the site, Baden Court, are noted. 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 garage building would result in any significant harm to the living conditions of that neighbour. No additional harm is therefore identified in this respect.

Other considerations

- 10.11 It is a material consideration of considerable weight that the property has 'permitted development' rights for outbuildings that could be exercised. Outbuildings that are within 2 metres of the boundary with the curtilage of the dwelling are required to be 2.5 metres or less in height. The building that is sought permission within this application, and as shown on the proposed plans, exceeds this height and is 2.6 metres (0.1 metres or 10cm higher than that which would be a permitted development). A slightly smaller building could therefore be built within the rear garden in the same location as that shown in this application without the need to apply for planning permission and that would, of course, have a very similar impact on the surroundings to the building currently proposed.

10.12 This is a matter which, in Officers opinion, represents a genuine fall-back position and which is considered to be sufficient to clearly outweigh the limited harm identified to the Green Belt by inappropriateness and loss of openness. As such, it is considered that very special circumstances can be said to exist in this case to warrant the grant of planning permission.

11.0 Conclusion

11.1 The proposed development represents an inappropriate form of development in the Green Belt and the Council is required to attach significant weight to that consideration. Furthermore, the proposal would result in some limited harm to the openness of the Green Belt.

11.2 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 building of slightly smaller proportions would be 'permitted development' and would not need to be considered through the submission of a planning application, but would have a very similar visual impact. Officers are satisfied that this material planning consideration is a genuine fall-back position which is sufficient to clearly outweigh the harm caused to the Green Belt in this case. As such, very special circumstances exist to justify the grant of planning permission.

Conditions

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

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 permitted development rights under Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and the limited harm to the

openness of the Green Belt and other material considerations is that permission should be granted.