

5E 3/10/1454/FP - Change of use of meadow to domestic garden land and retention of two outbuildings (retrospective) at Northleys, High Street, Much Hadham, SG10 6DB for Mr Jeffcoate

Date of Receipt: 12.08.2010

Type: Full – Minor

Parish: MUCH HADHAM

Ward: MUCH HADHAM

RECOMMENDATION

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

1. Three year time limit (1T121)
2. Within three months of the grant of permission a landscape plan for the western boundary of the application site relating to the change of use of the land shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall include planting plans, written specifications and schedules of plants, noting species, planting sizes and the proposed numbers and densities. The landscape plan shall be implemented within the next available planting season and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To provide an appropriate landscaping and boundary treatment in accordance with policy ENV2 and ENV7 of the East Herts Local Plan Second Review April 2007.

3. Within three months of the grant of permission, a colour sample of the boarding for buildings one and two shall be submitted to and approved in writing to the Local Planning Authority. The buildings shall thereafter be finished externally in that approved colour.

Reason: In the interests of visual amenity of the site, in accordance with policy GBC3 and ENV1 of the East Herts Local Plan second Review April 2007.

4. The alterations hereby permitted to the existing outbuildings (buildings one and two), as shown on plan reference 2555-103, shall be implemented in accordance with that plan within three months of the date of this decision.

Reason: To enhance the existing impact of the development on the rural character and appearance of the site, in accordance with policy ENV1 of the East Herts Local Plan April 2007, and to avoid possible enforcement proceedings in respect of the existing unauthorised outbuildings.

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5. Withdrawal of PD (Part 1 Class E)(2E223) – Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 the provision within the extension of the curtilage of the dwelling hereby permitted of any building, enclosure or swimming pool as described in Schedule 2, Part 1, Class E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity.

Directives

1. Other legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular saved policies GBC3, BH1, BH6, ENV1, ENV7 and Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (145410FP.MP)

1.0 Background

- 1.1 The application site is shown on the attached OS map. The location of the outbuildings and the area of land the subject to this application is to the west of the existing dwellings, Northleys and Northleys Cottage.
- 1.2 Those buildings are listed and have been the subject of a significant level of development works recently, involving renovation works to the buildings, extensions, outbuildings and various landscape works in the gardens immediately surrounding the dwellings.
- 1.3 This application seeks retrospective consent for an outbuilding within the garden space to the west of the buildings and the change of use of a parcel of land to the west of the existing tennis court and the provision of a building within that parcel of land.

2.0 Site History

- 2.1 There is no planning history relating to the application sites themselves. However, as is outlined above, there is planning history relating to the

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buildings and garden space within which the application site is located, which can be summarised as follows:-

- 3/06/0813/FP and 3/06/0814/LB: New vehicular access from garden into High Street (Approved with conditions)
- 3/08/1801/FP and 3/08/1802/LB: Erection of a new detached garage/store. New gable end to roof. Construction of a rear canopy. Construction of a retaining wall incorporating steps to rear of property. Minor internal alterations (Approved with conditions)
- 3/10/0997/FP and 3/10/0998/LB: extensions to NorthLeys Cottage, enclosing open courtyard (Approved with conditions)

2.2 In addition, Members should note that, at the time of writing this report there are currently undetermined planning applications for the provision of a swimming pool and pool building and a garage building to serve Northleys Cottage, within LPA references 3/10/1433/FP and 3/10/1434/FP.

3.0 Consultation Responses

3.1 The Conservation Officer has recommended approval of the application. The Officer comments that the location of the two outbuildings and their function and proposed design is considered to be acceptable. The Conservation Officers does however suggest that the advice offered at pre-application stage, that the finish of the buildings should compliment the rural setting, will help reduce the impact on the wider setting of the listed buildings.

3.2 The Historic Environment Unit comments that the application proposals are unlikely to have an impact upon significant heritage assets.

4.0 Parish Council Representations

4.1 Much Hadham Parish Council do not object to the retention of the two outbuildings, subject to a planning condition restricting their use. However, they do object to the extension of the residential curtilage, on the grounds of insufficient justification.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received.

6.0 Policy

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

GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
ENV1	Design and Environmental Quality
ENV7	Extension of Curtilage of a Residential Property
BH1	Archaeology and New Development
BH6	New Developments in Conservation Areas

6.2 In addition, the following National policy guidance is relevant:-

PPS5	Planning Policy Statement 5: Planning for the Historic Environment
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7.0 Considerations

7.1 Within this application there are two main planning matters to be considered:-

- The acceptability of the extension of the residential curtilage having regard to policy ENV7;
- The acceptability of the retention of the existing outbuildings, having regard to the principle of development and the impact on the character and appearance of the rural area and the setting of the listed buildings and Conservation Area.

Change of use of land

7.2 This element of the proposed development relates to the change of use of the land to the west of the existing tennis courts. This element has been the subject of pre-application advice, which is referred to in the Conservation Officers consultation response and the Design and Access Statement (DAS). Officers have previously advised that it is considered that, over the passage of time, the use of the land to the west of the site encompassing the tennis court and land to the east of that court appears to have been used as part of the residential use of the dwelling, Northleys. In this respect, planning permission is not required for the change of use of that land. However, the land to the west of the tennis court (as outlined in red on plan reference 2555-101) has not been in residential use for any significant period of time and does not therefore benefit from planning permission, hence the submission of this retrospective application for an extension to the residential curtilage.

Policy ENV7

- 7.3 Extensions to the residential curtilage of a dwelling will be assessed against the criteria set out in policy ENV7 of the Local Plan. Policy ENV7 allows for the extension of residential curtilages into the countryside provided that appropriate landscaping and boundary treatment is agreed; no effect on significant archaeological or ecological sites would occur; and that the character or appearance of the local landscape would not be impaired.
- 7.4 The application site forms an extension to the existing tennis court and vegetable garden beyond – which represents a residential use, in my opinion. Those areas are surrounded by black metal fencing, which demark those spaces from the other spaces of the site to the north and west. Officers acknowledge the comments from the Parish Council that it is possible to view the site from the lane to the north; however it is considered that such views of the site are limited, and the perception of the application site, is that it is not readily visible or seen within the context of the surrounding rural area.
- 7.5 The application site for the change of use and adjoining tennis court and vegetable garden have only recently been implemented, and there is little information regarding how those areas are proposed to be landscaped. However, taking into account the significant soft and hard landscaping the applicant has implemented to the garden space immediately behind Northleys, it is reasonable to assume that additional soft landscaping is proposed at the application site also. Notwithstanding the comments made in the DAS and, having regard to the requirements of Policy ENV7, Officers consider that some form of soft landscaping along the western boundary of the application site will assist in creating a buffer between the edge of the land used for residential purposes and the more rural aspect to the west. The existing boundary treatment – the black metal fencing, does not, in Officers opinion, satisfy such requirements or the requirements of policy 7 or ENV2 and it is necessary therefore for such matters to be agreed through the planning condition recommended at the commencement of this report. Subject to appropriate landscaping, Officers are of the opinion that the proposal will not result in significant harm to the landscape character of the area or the Conservation Area.
- 7.6 With regards to criteria c) of policy ENV7, having regard to the comments from the Historic Environment Unit, Officers are of the opinion that this element would be met, and the proposal would not result in a significant impact on heritage assets.

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- 7.7 Criteria II) of policy ENV7 requires that consideration is given to the withdrawal of permitted development rights. Taking into account the potential harm that a significantly sized building or structure may have on the openness and rural character of the application site, it is considered to be necessary and reasonable for such development to be subject to a detailed planning application, in which the full impact of such development can be properly considered. In this respect Officers recommend a planning condition restricting Class E permitted development rights on this part of the site.

Retention of outbuildings

- 7.8 Two buildings have been constructed on the site without the benefit of planning permission. Building one is of a footprint of 12 square metres and is a 'potting shed' used in association with the 'vegetable garden', in which the building is located. Building two is larger, at 24 square metres and is located further to the west, within the red outline for the change of use of the land to residential garden space. Building two is indicated on the plans for the provision of a changing room (for the tennis courts) and a garden machinery store. Both buildings are boarded with clay peg tiled roofs at a maximum height of 3.7 metres.
- 7.9 With regards to the principle of development involving those outbuildings, they are located outside the category one village, accordingly, the planning considerations relate to the requirements of policy GBC3 of the East Herts Local Plan Second Review April 2007. The applicant considers that the outbuildings fall within criteria b) of policy GBC3 – essential small scale facilities for outdoor sport and recreation. Officers are of the opinion that, with regards to building one, the provision of a potting shed would represent such small scale facilities for outdoor recreation. Further, with regards to the changing facilities of building two, this element also would accord with that element of the policy. However, Officers are concerned that the garden machinery element of building two would not fall within the scope of policy GBC3 and would thus represent a departure from the Local Plan. This is the reason for the application being reported to the Development Control Committee.
- 7.10 With regards to those buildings, the main planning consideration relates to whether the design of those buildings is appropriate to the context of the site and rural locality.

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Impact on character and appearance

- 7.11 The buildings have been the subject of pre-application discussions, during which concern was raised with regards to the appearance and detailed design of the buildings. As shown in plan references, 2555-102a, the buildings in their present form on site appear too fussy and the colour of the buildings appears too harsh in the rural setting. The applicant has sought to address those concerns, and the proposed amendments to the building (as shown on plan reference 2555-103) appear more simple and reflective of a rural setting. The scale and mass of the buildings has not altered, but the detailed appearance, such as the fascias has been amended to provide a more simple profiled building, reflective of the rural setting. In this respect, Officers are of the opinion that, subject to the amendments to the buildings being implemented (which can be required through a planning condition which, having regard to the above considerations, is necessary) and appropriate colour changes for the buildings that the proposed amendments to the buildings will not result in a significant impact on the open rural character of the site, or the Conservation Area.
- 7.12 The applicant has proposed the provision of a dark green paint, to replace the existing colour. Without details of that specific colour it is difficult to comment on the acceptability of such a colour – in any event, Officers consider that a dark brown or black would be more appropriate. Having regard to the above considerations, Officers therefore consider it reasonable and necessary for a planning condition to be attached to the grant of permission in respect of this issue.

Impact on setting of listed building

- 7.13 Having regard to the above considerations and, taking into account the distance between the buildings and land in question, there is not considered to be a significantly detrimental impact on the setting of the listed building. There will be a neutral impact, in Officers opinion.

Neighbour amenity

- 7.14 In neighbour amenity terms, taking into account the siting of the application site in relation to neighbouring properties, Officers do not consider that there will be a significant impact.

8.0 Conclusion

- 8.1 The proposed development involving the extension of the residential curtilage is considered to accord with policy ENV7 of the Local Plan, subject to appropriate boundary treatment and removal of permitted development

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rights. The outbuildings are also considered to be acceptable, subject to the amendments to those buildings being implemented, as required in the recommended conditions. The proposed alterations to the buildings and the change of use of the land are not considered to result in a significantly detrimental impact on the character or appearance of the Much Hadham Conservation Area or the setting of the listed building. As such, they accord with policy BH6 and PPS5 and Officers therefore recommend that planning permission is granted subject to conditions.