

DEVELOPMENT MANAGEMENT COMMITTEE – 16 JANUARY 2019

Application Number	3/18/2367/HH
Proposal	Demolition of 1 No. chimney. Garage conversion. Single storey front extension. First floor side extension. Two storey rear extension. Alterations to fenestration.
Location	44 Church Road
Parish	Little Berkhamsted
Ward	Hertford Rural South

Date of Registration of Application	26 October 2018
Target Determination Date	17 December 2018
Reason for Committee Report	The application site is owned by a Member of the Council, however the application has been submitted by a prospective third party future owner
Case Officer	Bruce O'Brien

RECOMMENDATION

That planning permission be **REFUSED** for the reason set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal is to extend the existing dwelling with a two storey extension across the full width of the rear of the property and a first floor extension above the existing single storey garage. The ground floor garage would be converted to habitable accommodation. There would be alterations to the front elevation to include changes to materials and fenestration. A chimney stack is proposed to be removed.
- 1.2 The site is located within the Green Belt. The relevant issues to be considered in this case then relate to whether the proposals comprise a form of development that is acceptable in principle

within the Green Belt, and other harm and whether very special circumstances are applicable.

2.0 **Site Description**

- 2.1 The site is an extensive plot set within Little Berkhamsted, a Group 2 Village. The property on the site is a two storey dwelling that is set between sites containing bungalow dwellings. It has a single storey front lean-to extension, a single storey attached garage and a small single storey lean-to element to a side elevation. The dwelling has also been extended in the past by way of a part two storey/ part single storey, subservient, side wing.
- 2.2 The dwelling is of traditional appearance, with pitched, hipped and lean-to roof forms and material combinations of brick and render.

3.0 **Planning History**

The following planning history is of relevance to this proposal. The final approval on the list (3/13/1420/FP) is the most recent and relevant planning decision at the site.

Application Number	Proposal	Decision	Date
3/88/1787/FP	Two storey side and rear extensions	Granted	1988
3/93/1289/FN	Extensions	Granted	1993
3/13/1420/FP	Demolition of existing single storey side extension and erection of part single storey and part two storey side extension.	Granted	2013

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the East Herts District Plan 2018 (DP). There

is no Neighbourhood Plan in emerging or final form relevant to the site.

Main Issue	NPPF	DP policy
Green Belt, appropriateness of development	Section 13	GBR1
Green Belt, any other harm	Section 12, 13	VILL2, HOU11, DES3, DES4, DES5, TRA3, CC2
Benefits of the proposals	Section 13	HOU11

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

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority does not object to the scheme, though it notes the loss of garage parking. There is adequate on-drive parking retained. HCC suggests advisory notes.
- 5.2 HCC Historic Environment Unit raises no objection to the scheme. It considers that the scheme would not have adverse impacts on any heritage assets of archaeological significance.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Parish Council Representations

- 6.1 There has been no response received from the Parish Council.

7.0 Summary of Other Representations

7.1 No representations have been received.

8.0 Consideration of Issues

Green Belt, appropriateness of development

- 8.1 Policy GBR1 of the District Plan sets out that planning applications for sites in the Green Belt will be considered in line with the provisions of the NPPF. The NPPF sets out that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.
- 8.2 With regard to new development in the Green Belt, the NPPF sets out that the construction of new buildings should be regarded as inappropriate development with an exception for the extension or alteration of a building where the extension does not result in a disproportionate addition over and above the size of the original building.
- 8.3 In order to consider whether development is inappropriate or not, it is necessary first then to consider whether the proposals do represent disproportionate additions to the original dwelling. The NPPF does not set out a definitive test in relation to this.
- 8.4 In this case, having reviewed the relevant site history, it is apparent that the original building was extended after gaining planning approval in 2013 (3/13/1420/FP).
- 8.5 The original building had a footprint of 76.04 m² and the proposal will result in an increase in the footprint of the building to 165.43m². This is an increase of just less than 118%.

- 8.6 The original volume of the building is calculated to be 370m³. In this respect, the proposal will result in a building volume of 956m³, an increase of 157%.
- 8.7 Whilst there is no definitive test of proportionality, these increases are considered to be disproportionate when considered against other decisions of the Council and those made by the Planning Inspectorate. As a result, the proposals have to be considered as inappropriate development to which substantial harmful weight has to be assigned.

Green Belt, other harm

- 8.8 It is then necessary to consider whether the proposals result in any other harm. The site is located in a row of properties located to the west side of Church Road and running southward from the centre of the village. Plots are generally of a generous size, and views generally can be had of the front and side elevations of the dwellings. In this case, there is a large and established oak tree to the frontage of the site which obscures the view of the building on the site along much of the frontage.
- 8.9 With regard to the Green Belt, harm is caused also by way of the impact of the proposals on openness. In this respect the property, as it currently exists, has had a two storey side extension to the south side, but this is located rearwards on the plot and has a lower ridge height than the main property.
- 8.10 The proposals would raise this side element to a full two storey height for the entirety of the depth of the dwelling, raising the subservient ridge to match that of the main dwelling. The rear two storey extension would also add considerable new built form to the rear of the existing property.
- 8.11 In both cases there will be a clear impact on openness, the preservation of which is one of the main aspirations of Green Belt policy. This results in further harm to which negative weight must be assigned.

Impact on design and character of the area

- 8.12 Policies DES4, HOU11 and VILL2 set out the requirements relating to design matters.
- 8.13 In this respect, the proposed extensions are considered generally to be of an acceptable design. Further articulation to the extension, making it appear to remain subservient to the original dwelling, would be considered a better design approach. However, no additional harm is assigned in this respect.

Neighbour Amenity

- 8.14 District Plan Policies VILL2 and DES4 aim to protect the living conditions of residents who may otherwise be harmfully impacted on by adjacent development, for example, by the loss of privacy or over dominant extensions.
- 8.15 There are two new windows proposed to be inserted in the side elevations at first floor level. These windows would serve en-suite bathrooms. To retain privacy, if the development proceeded, the windows could be conditioned to be obscure glazed and fixed shut below 1.7m from finished floor level.
- 8.16 There is adequate distance between the proposed development and neighbouring dwellings. The dwelling on the application site is located such that the rear elevation, once extended, would not project beyond that of the neighbouring properties. Therefore, the proposed extensions would not be overbearing to neighbouring dwellings, even though these are single storey in nature. Neither would it cause harmful overshadowing. No harm in this respect results then.
- 8.17 The removal of the chimney and the alterations to fenestration on the front elevation would be considered to be permitted development.

Parking

- 8.18 Policy TRA3 sets out the requirements for vehicle parking associated with new development. The Councils current standards require 3 spaces for a four bed dwelling in this location. This remains the case in the emerging standards. No reduction is recommended in this rural location as alternative transport opportunities are very limited.
- 8.19 The conversion of the existing garage would remove an allocated parking space. However, adequate parking provision on the driveway or elsewhere within the curtilage of the plot would remain.

Other Matters

- 8.20 There are substantial trees in close proximity to the proposed development. It is considered however that the development could proceed without harm to these trees with necessary safeguards in place.

9.0

Planning Balance and Conclusion

- 9.1 The proposed extensions are considered to be disproportionate to the original building and therefore comprise inappropriate development in the Green Belt. Substantial harm has to be assigned to the scheme as a result.
- 9.2 Other harm arises as a result of the impact of the proposed extensions on the openness of the Green Belt. No other harm has been identified as a result of the consideration of the other issues relevant to the development.

- 9.3 In coming to a conclusion, it is necessary to consider then whether there are any issues to which positive weight can be assigned such that the harm as a result of the inappropriateness of the development, and any other harm, is clearly outweighed. The aspirations of the applicant in advancing the scheme of development are acknowledged. However, the increased size and possibly modernised specification of the property does not constitute a public benefit to which positive weight can be assigned.
- 9.4 As a result there are no issues to which positive weight can be assigned in planning policy terms and the harm identified is not outweighed. As a result, it must be recommended that the proposals are refused.

RECOMMENDATION

That planning permission is **REFUSED** for the following reason:

1. The proposed development would constitute inappropriate development in the Green Belt and additional harm would result from loss of openness to the Green Belt. Other considerations have not been identified that would clearly outweigh the harm by reason of inappropriateness and loss of openness and the proposal would therefore be contrary to Policy GBR1 of the East Herts District Plan 2018 and the National Planning Policy Framework.

KEY DATA**Residential Development**

Residential density	Not applicable	
	Bed spaces	Number of units
Number of existing units demolished		nil
Number of new flat units	1	
	2	
	3	
Number of new house units	1	
	2	
	3	
	4+	1
Total		1

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	
3	2.25	
4+	3.00	3
Total required		3
Proposed provision		3

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	
3	2.50	
4+	3.00	3
Total required		3
Accessibility reduction	<i>none</i>	
Resulting requirement		3
Proposed provision		3

Legal Agreement - financial obligations

No legal agreement required as this proposal is recommended for refusal and does not result in any net gain of residential unit numbers.