

5i 3/11/0239/FP – Two storey side extensions and basement with lightwells and guardrails at 35 Burnham Green Road, Tewin, AL6 0NL for Mr Paul Smith

Date of Receipt: 14.02.2011

Type: Full - Other

Parish: DATCHWORTH

Ward: DATCHWORTH AND ASTON

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E10 – 11_139/PL01, 11_139/PL02, 11_139/PL03, 11_139/PL04, 11_139/PL05, 11_139/PL06, 11_139/PL07, 11_139/PL08)
3. Materials of construction (2E11)
4. Tree Survey (4P01)
5. Tree retention and protection (4P05)
6. Tree protection: restrictions on burning (4P08)
7. Tree Protection: Earthworks (4P10)
8. Tree surgery (4P11)
9. Landscape design proposals (4P12 e,i,j,k)
10. Landscape works implementation (4P13)
11. Tree Planting (4P15)
12. Trees: protection from foundations (4P20 – amend for foundations of front porch only)
13. Retention of landscaping (4P21)
14. Following implementation of this permission and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995, the enlargement, improvement or

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other alteration of the dwellinghouse as described in Schedule 2, Part 1, Class A 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 and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV2, ENV5, ENV6, ENV9, ENV11 and PPS1 and PPG2. The balance of the considerations having regard to those policies, and permission 3/09/0841/FP, is that permission should be granted.

_____ (023911FP.HI)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract and comprises a two storey detached dwelling set back from the road by approximately 25m on a substantial sized plot amongst mature trees. The site lies in the Metropolitan Green Belt in a semi-rural situation within a row of large detached dwellings of varied design.
- 1.2 The dwelling was constructed in 1924 and is of an arts and crafts design formed of white render with a plain tiled hipped roof and raised corner parapets. The dwelling is orientated at a 90° angle to the road such that its entrance is located to the side. There is a single garage attached to the south elevation and a further detached single garage further south. The dwelling has not previously been extended.
- 1.3 This application follows an earlier consent for two storey side extensions (3/09/0841/FP), but now also proposes a basement with 2 no. lightwells and guardrails on each side elevation of the extended dwelling.

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2.0 Site History:

- 2.1 There have been two previous applications refused for a replacement dwelling on site (references 3/07/0742/FP and 3/07/2061/FP), with both applications refused on the grounds of insufficient justification for a replacement dwelling, and for the replacement dwelling being of excessive size in the Green Belt. The latter application was also dismissed at appeal.
- 2.2 Permission was then granted for two storey side extensions to the dwelling (reference 3/09/0841/FP) with various conditions, including one to remove Class A permitted development rights, and another to nullify the permission if any Class A extension were carried out prior to the permission being implemented. An application to remove this latter condition was subsequently refused (3/09/2016/FO), but an appeal was allowed on the grounds that the condition did not meet the tests set out in Circular 11/95.
- 2.3 A separate application had also been submitted for a two storey rear extension as well as the two storey side extensions (3/09/2017/FP), but this was refused on the grounds that the extensions were disproportionate and inappropriate in the Green Belt. This was later dismissed at appeal.

3.0 Consultation Responses:

- 3.1 The Council's Landscape Officer raises no objection. He comments that there will be no significant greater impact on trees provided adequate tree protection measures are put in place during the construction phase of the development. He had previously recommended a number of conditions on application 3/09/0841/FP.

4.0 Parish Council Representations:

- 4.1 Datchworth Parish Council has no objection to the proposed extensions but ask that particular attention be paid to the requirement for keeping the roads clear of mud and debris and not inconveniencing the neighbouring properties. The rural woodland setting for this property and the nature of the building works could make these issues an area of concern.

5.0 Other Representations:

- 5.1 The application has been advertised by way of site notice and neighbour

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notification.

5.2 No letters of representation have been received.

6.0 Policy:

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

GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV11	Protection of Existing Hedgerows and Trees

6.2 In addition to the above it is considered that Planning Policy Statement 1 'Delivering Sustainable Development', and Planning Policy Guidance 2 'Green Belts' are considerations within this application.

7.0 Considerations:

7.1 The site lies in the Green Belt wherein policies GBC1 and ENV5 allow for only limited extensions in the Green Belt that do not cumulatively with earlier extensions disproportionately alter the size of the original dwelling.

In this case, the addition of two storey extensions to both sides of the dwelling has already been approved under application 3/09/0841/FP, which remains extant. This report will therefore focus on the proposed basement addition, and whether this would result in harm to the Green Belt.

7.2 The basement is large, and will provide an additional 128m² of floorspace for the dwelling. This will result in a dwelling that is more than double the size of the original. The proposed development is therefore considered to be disproportionate to the size of the original dwelling and inappropriate in the Green Belt contrary to policies GBC1 and ENV5.

7.3 However, the basement will have very little visual impact on the openness of the Green Belt or the character of the surrounding semi-rural area. 2 no. lightwells are proposed on each side elevation of the dwelling. They will each measure 1.5m in length, 0.7m in width and 2m in depth. Guard rails would be required for safety reasons and will measure just over 1m in height above ground level. They are proposed as black metal railings and will not appear obtrusive or out of character. No harm would therefore arise to the Green Belt as a result of this development,

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and Officers consider these very special circumstances to render the development acceptable in planning terms.

- 7.4 The proposal is also considered to be acceptable in design terms, and no harm will arise to neighbouring amenity. Further, the provision of a basement will have no further highway implications.
- 7.5 The site lies amongst a number of mature trees, none of which are currently protected. At the time of writing this report no response has been received from the Landscape Officer; however he previously raised no objection to the approved extensions, of which the basement will lie beneath, subject to a number of conditions. Officers do not consider that the additional basement proposal will result in any harm to these trees, but similar conditions to 3/09/0841/FP are again recommended.
- 7.6 Overall, the same conditions as previously approved for 3/09/0841/FP are recommended, with the exception of previous Condition 14 removed by an Inspector at appeal (under 3/09/2016/FO).

8.0 Conclusion:

- 8.1 Substantial weight is given to the extant planning approval for two storey side extensions approved under reference 3/09/0841/FP, and although the additional basement accommodation will result in a dwelling that is disproportionate to the size of the original dwelling, its impact on the Green Belt will be minimal. Very special circumstances are therefore considered to exist to justify inappropriate development in the Green Belt.
- 8.2 The application is therefore recommended for approval subject to the conditions set out above.