

DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2022

Application Number	3/22/1142/HH
Proposal	Conversion of garage to artists studio. Removal of roof and construction of roof lantern structure. Construction of side extension.
Location	Sequoia, Elton Road, Hertford, Hertfordshire, SG14 3DW
Applicant	East Herts District Council
Parish	Hertford
Ward	Hertford Bengo Ward

Date of Registration of Application	31 May 2022
Target Determination Date	3 July 2022
Reason for Committee Report	Para 10.15.1c of Constitution (applicant is a Member)
Case Officer	Edward Evans

RECOMMENDATION

That planning permission is **APPROVED subject to conditions.**

1.0 Executive Summary

1.1 This application is referred to the Development Management Committee for determination as the applicant is the partner of a Councillor.

1.2 Summary of Proposal and Main Issues

1.3 Planning permission is sought to convert an existing garage (on the right hand side when entering the property) to an artists studio through the removal of the roof and the construction of roof lantern structure and the construction of a side extension.

1.4 The main issues for consideration are the design and appearance of the proposal, including its impact on the Conservation Area and

character of the wider area and the impact of the proposal on residential amenity.

2.0 Site Description

- 2.1 The application site is occupied by a detached dwelling with associated outbuildings in the Hertford Conservation Area on the east side of Elton Road within Hertford. The property is within the Port Hill / Redwoods area Tree Preservation Order. The site is extremely well screened from the public realm and there are no vantage points to the main dwelling / out buildings from public areas.
- 2.2 The dwelling is a mid C20th house that was built along with a number of other developments on the land of Port Hill House, a Grade II listed building. Some evidence of the site being the grounds of this large house and garden remains including a cast iron gate near the garage and the large Sequoia trees from which the house gets its name.

3.0 Planning History

- 3.1 The planning history is tabled below:

Application Number	Proposal	Decision	Date
3/88/1385/FP	TWO STOREY SIDE EXTENSION	Granted with conditions	24th August 1988
3/89/0253/OP	ERECTION OF THREE DETACHED HOUSES WITH GARAGES WITH ALTERATION TO EXISTING HOUSE TO PROVIDE SINGLE GARAGE	Refuse Planning Permission	21st June 1989

3/92/0956/FP	DOUBLE GARAGE WITH GAMES ROOM & UTILITY AREAS OVER	Refuse Planning Permission	12th October 1992
3/92/1568/FP	DETACHED DOUBLE GARAGE WITH GAMES ROOM AND SHOWER ROOM OVER	Granted with conditions	19th February 1993
3/95/0367/FP	CONSERVATORY	Granted with conditions	5th May 1995

4.0 **Main Policy Issues**

- 4.1 The Development Plan consists of the East Herts District Plan 2018, the Hertfordshire Minerals Local Plan 2007, the Hertfordshire Waste Development Framework and the Bengo Neighbourhood Area Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the Development Plan unless there are material considerations which indicate otherwise.
- 4.2 A number of other policy documents and guidance are relevant material considerations including the National Planning Policy Framework, the Planning Practice Guidance and Supplementary Planning Documents including the adopted Sustainability SPD 2021 and the adopted Vehicle Parking Provision at New Development SPD 2008.
- 4.3 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018, the Neighbourhood Plan and the National Planning Policy Framework 2021 (NPPF) as set out below:

Key Issue	District Plan	Neighbourhood Plan	NPPF
Impact of proposal on heritage assets and character of the area; design and appearance of proposal	HA1 - Designated Heritage Assets HA4 - Conservation Areas HA7 - Listed Buildings DES2 - Landscape Character DES3 - Landscaping DES4 - Design of Development HOU11 - Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages	HBC2: Listed Buildings and Structures HBH2: Design and Layout HBH3: Landscape Design	Chapter 12 Chapter 16

Impact of the proposal on residential amenity	DES4 - Design of Development	HBH2: Design and Layout	Chapter 12
Impact on protected trees and soft landscaping	DES2 – Landscape Character DES3 - Landscaping	HBN3: Nature Conservation	Chapter 15
Parking and highways issues	TRA3 - Vehicle Parking Provision	HBT5: Parking	Chapter 9 Chapter 12

5.0 **Summary of Consultee Responses**

5.1 EHDC Landscape Officer: No objection on arboricultural grounds.

5.2 (Note: EHDC, East Herts District Council)

6.0 **Parish Council Representations**

6.1 Hertford Town Council has no objection to the proposed development. However, have suggested that a condition is used ensuring that this building cannot be sold from the property separately, that additional details of material be received to ensure their quality and that no existing trees be removed.

7.0 **Summary of Other Representations**

7.1 28 neighbour properties have been consulted by letter. The application has been published by site notice and press advert. One letter has been received in response which states that it neither objects nor supports but which queries whether the windows would overlook that property and if so objects to a loss of privacy.

8.0 **Consideration of Issues**

Principle of Development

8.1 The proposal is to convert the garage into a studio as a space for an artist. It is understood that this would be ancillary to the use of the main dwelling house (the artist is a member of the family) and so therefore the building would be used as a residential use in conjunction with the main house and no permission is required or sought for a change of use. As such, the proposal constitutes a residential outbuilding ancillary to the main house and so the use is supported in principle. Converting the building into either a separate dwelling, or a separate business and using it not in association with the main dwelling house would require a separate application. As such, no condition is required to be attached to this application preventing such a use – as a separate planning permission would be required.

Design and Layout

- 8.2 The site is located within the Hertford Conservation Area whereby Policy HA4 of the East Herts District Plan 2018 applies, and as such there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that special attention is paid to the desirability of preserving or enhancing the Conservation Area's character or appearance. The heavily wooded nature of the site is part of its character and so policies DES2 and DES3 are also of relevance, along with DES4 of the East Herts District Plan 2018. Policy HOU11 provides guidance on the form of house extensions including outbuildings. Policy HBH2 of the Neighbourhood Plan provides criteria on design and layout of proposals.
- 8.3 The proposed studio would be a modern construction retaining the core structure of the building, replacing the roof with a lantern type structure with various areas of glazing at different levels and angles to bring light into the interior for the benefit of the proposed use as an artist's studio, as well as various openings at the ground floor. The scheme also incorporates a small extension to the west elevation adding approximately 5 sqm of floor area on to the building.
- 8.4 The building would be finished in an insulated render and timber clad to the roof with a sedum roof.
- 8.5 Due to the choice of materials and form of the first floor and roof lanterns, the proposal would have a modern design and appearance, which is not typically found in the area. However, the building would not be visible to the public realm, the Conservation Area or the Grade II listed Port Hill House by virtue of the existing landscaping which would not be removed as part of this proposal. The scheme is also 44 metres from Port Hill House, separated by the main dwelling of Sequoia and dense landscaping.

- 8.6 As such, the proposal is considered to cause no harm to heritage assets and to have only a minimal impact on the character of the surrounding area. The scheme is considered to be well designed and of visual interest with a form which supports the purpose to which the building would be put. Additionally, policy HBH2 of the Neighbourhood Plan supports unnecessary uniformity of external design to increase individuality between buildings. A condition is recommended to secure the final appearance of the external materials.
- 8.7 Overall, the proposal is considered to comply with policies and guidance relating to the character of the area, design and heritage assets.

Neighbour Amenity

- 8.8 The proposal would be at a substantial distance from any neighbouring property. Regarding concerns relating to overlooking, the building is 15m from the nearest boundary of the site (to the south) and is well screened in that direction by trees protected by a Tree Preservation Order (TPO). The proposal is some 50m from properties on Redwoods and so would not give rise to significant overlooking. It should be noted that the proposal, whilst two storeys in height, would only have a single floor in it, the additional height being to allow light to enter. Even were a floor to be inserted without the need for planning permission, this is sufficiently far from neighbouring properties to not give rise to concerns of overlooking or loss of privacy.
- 8.9 Similarly, the scale of the building would not give rise to any significant impacts on neighbouring properties.
- 8.10 The proposal is considered to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land and would ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, privacy or

overshadowing. As such the proposal is considered to comply with Policy DES4 (c) of the East Herts District Plan 2018.

Highways and Parking

- 8.11 The proposal would see the loss of one garage space however retains an existing double garage and a large area for vehicle parking within the site. The proposal would not result in a need for additional parking and it appears that 3 parking spaces can be easily accommodated on the site. As such there is considered to be adequate parking within the site to comply with Policy TRA3 of the East Herts District Plan 2018 and the Vehicle Parking Standards SPD.
- 8.12 No changes are proposed to the access and the scheme would not give rise to significant traffic generation.

Landscaping

- 8.13 The property is within the Port Hill / Red Woods area TPO. A tree survey and arboricultural impact assessment has been submitted and has been reviewed by the Council's landscaping Officer. They are satisfied that the proposal would have a minimal impact on trees as the existing concrete based would be used and the small extension to the side of the building off the concrete base would be constructed on a mini piled base and therefore is considered to alleviate harm to the adjacent trees.
- 8.14 The proposed roof form would see a significant increase in height to the building; this will result in the need for there to be a 1m crown lift to tree T9 for the tree to be able to clear the extension. This lift can be considered acceptable and would retain the main body and limbs of the tree.
- 8.15 Overall, the proposal is considered acceptable in terms of arboricultural impact and landscaping, the proposal is therefore considered to comply with Policies DES2 and DES3 of the East Herts District Plan 2018 and HBH3 of the adopted neighbourhood plan.

Climate Change and sustainability

- 8.16 Paragraph 154 of the NPPF and Policy CC1 of the District Plan require that development proposals introduce measures that address climate change.
- 8.17 The proposal would have a sedum roof which is beneficial in terms of climate change adaptation and of some minor biodiversity benefit. The exterior is proposed to be clad in an insulated render to improve the thermal efficiency of the building, which is considered to be acceptable.

9.0 Planning Balance and Conclusion

- 9.1 The proposal is considered to comply with the relevant Policies of the East Herts District Plan 2018 and the Adopted Bengoe Neighbourhood Plan and the wider aims of the NPPF. It is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION

That planning permission is **Granted** subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

4. Prior to any above ground construction works being commenced, the external materials of construction for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.

Reason: In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

Plans

Plan Ref	Version	Received
0107_L11	A	8th June 2022
0107_L12	B	17th June 2022
0107_L13	A	8th June 2022
0107_L14	A	8th June 2022
0107_L01	A	8th June 2022
0107_L02	A	8th June 2022
0107_L12	B	17th June 2022
0107_L11	rev A	15th August 2022

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 and any relevant material considerations. The balance of the considerations is that permission should be granted.

Background Papers

The application submission and all relevant papers are published on the Council's website and can be made available by arrangement at the Council's offices in Hertford.