

5d 3/11/0686/FP – Chicken enclosure (retrospective) at Foxes, 125 High Wych Road, Sawbridgeworth, CM21 0HH for Professor Neville Davidson

Date of Receipt: 18.04.2011

Type: Full – Other

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Approved plans (2E10) (Plan No. 525901)

Directive:

1. Groundwater protection zone (28GP)

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, ENV5, ENV6 and ENV19. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (068611FP.LD)

1.0 Background:

- 1.1 The application site is located within the Metropolitan Green Belt on the West edge of the settlement of Sawbridgeworth as shown on the attached OS extract.
- 1.2 The application property is a large two storey detached dwelling which benefits from a front driveway with parking space for up to 6 vehicles and substantial side and rear gardens which are mostly laid-to-lawn with tennis courts, a swimming pool and residential annexe. This is a retrospective application for a chicken enclosure. The enclosure is 9.4 metres in length, 5.6 metres in width and 3 metres in height to the ridge of the pitched roof. The external materials of construction comprise of a

3/11/0686/FP

brick plinth, wire mesh panels on all elevations and a felt pitched roof. The enclosure is surrounded by a 1.8 metres high wire mesh fence.

2.0 Site History:

2.1 There is a long planning history of extensions and alterations at the application property which is as follows:

- 3/88/2537/FP – Remodelling, alterations and extensions, approved with conditions.
- 3/92/0423/FP – Extension to and division of existing single dwelling into two dwellings, approved with conditions.
- 3/94/0040/FP – Tennis court with illuminations and reposition of previously approved garage with accommodation over, approved with conditions.
- 3/97/0314/FP – Extensions and alterations, approved with conditions.
- 3/04/1054/FO – Removal of condition 5 of approval no. 3/94/0040/FP relating to the restriction of the use of the garage, approved.
- 3/09/1376/FP – Single storey link extension between main house and annex, approved with conditions.

2.2 Most recently planning permission was granted for a change of use of the land from agricultural to residential curtilage and the erection of a detached triple garage and new driveway (LPA Ref: 3/10/0927/FP). A subsequent minor amendment was made to this application (LPA Ref: 3/10/1712/MA) to increase the spacing between the proposed garage and the site boundary. It should be noted that the approved garage and driveway area has not yet been implemented, however, the planning permission under reference 3/10/0927/FP does not expire until 10 August 2013.

3.0 Consultation Responses:

3.1 The Environment Agency (EA) comments that the site is under a hectare and located in a Flood Zone 1. The Council has therefore been referred to the EA's standing flood risk advice.

3.2 Veolia Water comments that the site is located within the groundwater Source Protection Zone (SPZ) of Redricks Lane Pumping Station.

4.0 Town/Parish Council Representations:

4.1 Sawbridgeworth Town Council objects to this application. It appears to be contrary to Policy ENV1(I)(d) respect for amenity of occupiers of neighbouring buildings and ENV1(II) there was no Design and Access Statement demonstrating an assessment of the impact of the proposal.

5.0 Other Representations:

5.1 The application has been advertised by way of neighbour notification.

5.2 No. 4 Bluebell Walk raised objections to the chicken enclosure on the grounds that it is out of keeping with the surrounding area and the close proximity of the enclosure to the shared party boundary at the rear of their dwelling creates noise disturbance during the night and daytime. Other comments were made, however, these are not material planning considerations in the determination of this application.

5.3 No. 117 High Wych Road raised no objections to the proposal.

6.0 Policy:

6.1 The relevant 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
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria
ENV19	Development in Areas Liable to Flood

7.0 Considerations:

7.1 The determining issues in relation to this application are as follows:

- The principle of development within the Green Belt;
- The impact of the proposal on the character and appearance of the existing dwelling and surrounding area;
- The impact of the proposal on the amenities of adjacent neighbouring occupiers;
- Other matters.

Principle of Development

- 7.2 The application site is located within the Green Belt, wherein limited extensions and alterations to dwellings will be permitted provided that an extension to a dwelling or the erection of outbuildings will be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area, in accordance with Policies GBC3 and ENV5.
- 7.3 It has been calculated that the floor area of the original dwelling was approximately 672 square metres (sq.m). However, previous extensions and alterations to the original dwelling including a detached double garage (LPA Ref: 3/94/0040/FP), single storey rear extension for a swimming pool (LPA Ref: 3/92/0423/FP) and additional extensions to the Western wing of the building (LPA Ref: 3/88/2537/FP) has increased the floor area of the original dwelling by approximately 413 sq.m or 61 per cent. It is also noted that the recently approved garage (LPA Ref: 3/10/0927/FP), which could still be implemented, would further increase the floor area of the original dwelling by 117 sq.m, representing a 78 per cent increase the size (floor area) of the original dwelling. The chicken enclosure, which is 52.6 sq.m, further increases the size of the original dwelling, therefore forming a departure from Policies GBC3 and ENV5 the Local Plan.
- 7.4 125 High Wych Road is located within a spacious 'L' shaped site which borders onto the rear boundaries of Nos. 117 to 123 High Wych Road (odds) to the North and Nos. 3 to 5 Bluebell Walk to the East. It is considered that the chicken enclosure is lightweight in its construction with a low pitched roof that would not encroach significantly on the openness or rural character of the site or surrounding Green Belt. It is also considered that the enclosure would not in itself disproportionately alter the size and scale of the original dwelling and its use as a chicken enclosure is for leisure purposes incidental to the enjoyment of the dwelling.
- 7.5 It should also be noted that the application property benefits from permitted development rights. Whilst the chicken enclosure does not accord with the criteria as set out within Class E, Part 1 of those rights, due to its proximity to the site boundary and the height of its roof, it is considered that a similar sized building could be erected in a different location within the site without the need for planning permission. Furthermore, planning permission was recently granted for a detached triple garage adjacent to the chicken enclosure, which is a material consideration in the determination of this planning application.

- 7.6 It is therefore considered that the modest increase in the floor area of the existing dwelling proposed by this application, the limited impact of the enclosure on the openness and rural character of the surrounding area and those material considerations outlined above, would constitute special circumstances that would outweigh the harm by reason of inappropriateness in the Green Belt.

The impact of the proposal on the character and appearance of the existing dwelling and surrounding area

- 7.7 As mentioned earlier in this report, the chicken enclosure is of lightweight construction with a low brick plinth and simple felt pitched roof. Furthermore, it is considered that the location of the enclosure at the rear of the site, its low pitched roof and relatively modest size in relation to the surrounding site and principal dwelling, would not be detrimental to the character and appearance of the existing dwelling or the surrounding area.

The impact of the proposal on the amenities of adjacent neighbouring occupiers

- 7.8 The chicken enclosure is located adjacent to the eastern party boundary shared with No. 4 Bluebell Walk. Whilst it is acknowledged that the chicken enclosure extends across much of the party boundary shared with No. 4 Bluebell Walk, it is considered that the existing boundary fence, which is approximately 2 metres in height, screens the majority of the enclosure with only part of the pitched roof visible from nearby neighbouring properties. Furthermore, it is considered that the roof of the enclosure pitches away from the party boundary which in turn lessens its visual impact on neighbouring properties. It is also considered that the building is used for keeping chickens which is a use incidental to the enjoyment of the main dwelling and does not result in a level of noise or activity that is detrimental to the amenities of neighbouring occupiers.
- 7.9 It has been noted that No. 4 Bluebell Walk raised objections regarding the chicken enclosure on the grounds that it is out of keeping with the surrounding area and causes noise disturbance. These comments have been noted, however, for those reasons outlined above it is considered that the chicken enclosure is not harmful to the amenities of neighbouring occupiers, particularly as the rear gardens of the properties along Bluebell Walk are approximately 40 metres in length, which provides a significant degree of distance between the chicken enclosure and adjacent neighbouring properties. However, in the event

that noise levels should significantly increase this issue could be dealt with under separate statutory noise control legislation through Environmental Health.

Other matters

- 7.10 The comments from the Town Council have been duly noted. However, as mentioned above it is considered that the chicken enclosure does not adversely affect the amenities of nearby neighbouring occupiers and the enclosure itself is of a lightweight design that is simple in its appearance. It is noted that Veolia Water comments that the site is situated in a groundwater Source Protection Zone (SPZ). It is therefore considered that a relevant directive should be recommended. Finally the comments from the Environment Agency and their standing advice have been noted. However, it is considered that the development would not result in an increased likelihood of flooding within the vicinity of the site and its surroundings, particularly as the enclosure is limited in size and does not provide habitable accommodation.

8.0 Conclusion:

- 8.1 In summary, it is considered that the development would be acceptable in this instance and that special circumstances exist to outweigh the harm, by reason of inappropriateness within the Green Belt.
- 8.2 It is therefore considered that there are circumstances in this case to allow permission to be granted contrary to Policies GBC1 and ENV5 of the East Herts Local Plan, and it is recommended that permission be granted subject to the conditions set out above.