

**5h 3/10/1890/FP – Replacement two-storey dwelling at 232 Hertingfordbury Road, Hertingfordbury, SG14 2LB for MJL Developments Limited**

---

**Date of Receipt:** 22.10.2010

**Type:** Full – Minor

**Parish:** HERTFORD

**Ward:** HERTFORD – CASTLE

**RECOMMENDATION:**

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

1. Time limit (1T121)
2. Approved plans (2E102) A881, A884 4, A883 3, A885 5, A886 6, A782 2
3. Samples of materials (2E123)
4. Prior to any building works being first commenced, detailed drawings of the windows including a section of the glazing bars and frame moulding (if applicable), which it is proposed to install, clearly showing the position of the window frame in relation to the face of the wall, depth of reveal, arch and sill detail shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

**Reason:** To ensure the historic and architectural character of the building is appropriate to the character of the Hertingfordbury Conservation Area, in accordance with PPS5 – Planning for the Historic Environment and the accompanying Historic Environment Planning Practice Guide.

5. Prior to any building works being first commenced, detailed drawings including sections, showing the doors which it is proposed to install, together with a detailed description or specification, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

**Reason:** To ensure the historic and architectural character of the building is appropriate to the character of the Hertingfordbury Conservation Area, in accordance with PPS5 – Planning for the Historic Environment and the accompanying Historic Environment Planning

Practice Guide.

6. Prior to any building works being first commenced, detailed drawings showing the new brickwork and a precise specification and description of the brick – or a sample of 4 bricks to provide a representative range of the colour and texture of the brick – together with a specification of the mortar mix, pointing profile and finish, jointing width and the bond of the brickwork, shall be submitted to and approved in writing by the Local Planning Authority. Where required, a sample panel of the brickwork using the bond, mortar and jointing/pointing proposed, shall be provided and retained during building works as a reference for the new brickwork. The development shall be carried out in accordance with those approved details.

Reason: To ensure the historic and architectural character of the building is appropriate to the character of the Hertingfordbury Conservation Area, in accordance with PPS5 – Planning for the Historic Environment and the accompanying Historic Environment Planning Practice Guide.

7. All new or replacement rain water goods shall be in black painted cast iron unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is appropriate to the character of the Hertingfordbury Conservation Area, in accordance with PPS5 – Planning for the Historic Environment and the accompanying Historic Environment Planning Practice Guide.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that adequate protection of human health, the environment and watercourses is maintained in accordance with PPS23 and policy ENV20 of the East Herts Local Plan Second Review April 2007.

9. Floor levels within the building hereby approved shall be set to a

**3/10/1890/FP**

minimum 300mm above the known modeled 1% (1 in100) river flood level.

Reason: To minimize the risk of flooding in accordance with Policy ENV19 of the East Hertfordshire District Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1)
2. Groundwater protection zone (28GP1; Molewood)

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, HSG8, ENV1 and BH6 and Planning Policy Guidance 2 – Green Belts and Planning Policy Statements 3 – Housing and 5 – Planning and the Historic Environment. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

\_\_\_\_\_  
(189010FP.MC)

**1.0 Background:**

- 1.1 This application was reported to Committee in January of this year (see officer's report, Appendix A). Members resolved to defer the application at that time in order to seek an improved design to the dwelling. Following negotiations between officers and the applicant, a revised design has been received and is the subject of this report.

**2.0 Consultation Responses:**

- 2.1 County Highways have confirmed that they have no objection to the revised proposal.

**3.0 Town Council Representations:**

- 3.1 Hertford Town Council note that the revised proposal would be set lower than the previous scheme, and felt this to be a visual improvement. The

Council also request that the contours of the flood plain be considered.

**4.0 Other Representations:**

Following receipt of the amended plans, a further round of consultation has been carried out.

Hertingfordbury Conservation Society has not commented on the revised design at the time of this report. However, any further comments received will be reported to the Committee.

One neighbour commented on the original application after its deferral, suggesting that a contemporary design may be more appropriate than a design influenced by the history of the area.

**5.0 Considerations:**

- 5.1 As set out in the earlier report the main issues with regard to this development are firstly whether the proposal represents inappropriate development within the Green Belt, the quality of design of the proposed dwelling, and its appropriateness in the Hertingfordbury Conservation Area.
- 5.2 As the proposed construction of a larger replacement house is not in accordance with Green Belt policy, very special circumstances are required to justify the grant of planning permission.
- 5.3 A key consideration in this case is the potential benefit to the Conservation Area that would arise from the proposed development. Officers consider that the proposed replacement dwelling would represent a significant improvement in terms of visual impact on the appearance and character of the Conservation Area. The design of the dwelling has undergone significant revision, with the close input of the Conservation Officer, since the application was first reported to Committee.
- 5.4 The proposed house features consistent gable-ended roofs, which would be generally in keeping with the character of properties on Hertingfordbury Road. The sole hipped roof being to the east elevation over the garage. This would be the point closest to Hertingfordbury Road and would soften the impact of the development in the street scene. Officers consider the design to be substantially cleaner and simpler than the previous proposal, and much more in keeping with the character of the Conservation Area.

- 5.5 The proposed dwelling would be more prominent in the Hertingfordbury Road street scene than the existing dwelling. However, this would be mitigated by the significant set back from the road. The main body of the house would be approximately 26m from the road, compared to the minimum of 20m at present. The garage would be closer to the road than the existing house, but would be partly screened by landscaping and would have a hipped roof to reduce its prominence.
- 5.6 Officers consider that the proposed amended design would make a positive addition to the Hertingfordbury Road street scene. It would be of benefit to the Conservation Area, particularly with reference to the existing building. The redesign of the scheme has resulted in a much improved appearance to the proposed building, and one that relates much more clearly to the relative simplicity of many of the neighbouring properties.

#### Other considerations

- 5.7 With regard to the matter of flood risk, officers consider that an appropriately worded condition would be appropriate to secure the proposed house from potential flooding.
- 5.8 The possibility of a contemporary design was discussed with the applicant as part of the negotiations following the deferral of the application in January. However, a more traditional design is favoured by the applicant, and officers are satisfied that the design is appropriate in this sensitive location.

#### **6.0 Conclusion:**

- 6.1 The proposed development involves a replacement dwelling within the Green Belt. The house would be materially larger than the house it is replacing, and therefore constitute inappropriate development. However, officers consider there would be no material harm to the Green Belt by the proposed development
- 6.2 There are a number of material considerations that would make the development acceptable in this location, and which constitute the very special circumstances sufficient to clearly outweigh the in-principle objection to the proposal.
- 6.3 There would only be a modest impact on the openness of the Green Belt with the greater height offset by the pitched roof, and the house being set further back and therefore appearing somewhat narrower on

the plot.

- 6.4 With regard to the design, officers agree that the proposed house would make a more positive contribution to the street scene and wider Conservation Area than the existing property. Although the development may not represent an outstanding piece of design, it is considered to be a good quality scheme and with good materials would be acceptable in this location.
- 6.5 For these reasons it is considered that there are very special circumstances to justify inappropriate development in the Green Belt. Subject to the conditions outlined at the head of this report and the receipt of any further representations, it is recommended that planning permission be granted for the proposed development.