

**3/11/1170/FP – Replacement dwelling with basement at Edgewood Farm, Broxbourne Common, Broxbourne, EN10 7QS for Mr. D. Feltham.**

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**Date of Receipt:** 30.06.2011

**Type:** Full - Minor

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

**RECOMMENDATION**

That planning permission be **REFUSED** for the following reason:-

1. The proposed replacement dwelling, due to the addition of a basement and sunken patio, would be materially larger and appear more visually intrusive than the dwelling to be replaced resulting in harm to the openness of the Green Belt and character and appearance of the surrounding rural area. The proposal represents inappropriate development in the Green Belt and no very special circumstances have been demonstrated to clearly outweigh this harm. The proposal is thereby contrary to policies GBC1 and HSG8 of the East Herts Local Plan Second Review April 2007.

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**1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises a small detached bungalow located near the entrance to the site adjacent to Cock Lane, along with two barns, a manege and paddocks in relation to the approved stud farm use of the site.
- 1.2 The site is located in the Green Belt, set amongst scattered dwellings and farmsteads. Paradise Wildlife Park is located to the west. Land to the east of the site comes under the jurisdiction of Broxbourne Borough Council.
- 1.3 Members may recall that planning permission was previously granted at Committee in January 2011 for a replacement dwelling under reference 3/10/1458/FP. Officers had recommended refusal on the grounds that the replacement would be more visually intrusive than the dwelling to be replaced and therefore harmful to the Green Belt. A copy of that recommendation report is attached as Appendix 1.
- 1.4 This application is for a similar form of development, but with the addition of a basement and excavated patio area.

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1.5 The application has been brought to Committee at the request of Councillor William Ashley.

#### **2.0 Site History**

2.1 Permission was granted at Committee for a replacement dwelling under reference 3/10/1458/FP. An additional basement area with external access from a sunken patio is now being sought.

2.2 The previous site history is set out in Section 2 of Appendix 1.

#### **3.0 Consultation Responses**

3.1 The Environment Agency comment that the main flood risk at the site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. Their Flood Risk Standing Advice should be used for consultation on their website, which recommends sustainable urban drainage systems. An Environmental Permit will also be required under the Environmental Permitting Regulations 2010 unless an exemption applies.

3.2 County Archaeology comment that archaeological investigations of application 3/09/1889/FP recorded evidence of activity of post-medieval date. The site lies in Area of Archaeological Significance No. 327 which includes evidence of an extensive landscape of co-axial boundaries of pre-medieval and probably pre-Roman date. The area also includes a stretch of Roman road known as Ermine Street immediately adjacent to the site of the proposed dwelling and access. A condition for archaeological work is therefore recommended.

3.3 County Highways do not wish to restrict the grant of permission subject to conditions on constructing the access prior to occupation of the new dwelling. They comment that the application will not have a significant impact upon highway safety or capacity. The proposal is unlikely to lead to additional traffic movements, sufficient parking and vehicle turning space will be retained, and although use of an existing access is proposed it is noted that the construction material will be improved.

3.4 Environmental Health raise no objection subject to a condition on land contamination.

3.5 At the time of writing this report no response has been received from the Council's Landscape Officer.

**4.0 Parish Council Representations**

4.1 Brickendon Liberty Parish Council has no comment to make.

**5.0 Other Representations**

5.1 The applications have been advertised by way of press notice and site notice.

5.2 No letters of representation have been received.

**6.0 Policy**

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

SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character
HSG7	Replacement Dwellings and Infill Housing Development
HSG8	Replacement Dwellings in the Green Belt and Rural Area Beyond the Green Belt
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

6.2 In addition to the above it is considered that the following Planning Policy Statements/Guidance Notes are considerations in determining this application:

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPS5	Planning for the Historic Environment
PPG13	Transport
PPS23	Planning and Pollution Control

## **7.0 Considerations**

### **Principle of Development**

- 7.1 The site lies within the Metropolitan Green Belt wherein replacement dwellings will only be permitted in accordance with the criteria set out in policies GBC1 and HSG8. Given that permission has already been granted for a replacement dwelling, the main consideration in this case is the addition of the proposed basement and associated sunken patio, and its impact on the Green Belt and character of the surrounding rural area.
- 7.2 The applicant initially approached Officers to query whether a basement could be added to the proposed replacement dwelling and Officers advised informally, and on the assumption that this would be a basement accessed internally, that the proposal would be unlikely to impact any further on the Green Belt as it would not be visible.
- 7.3 However, the applicant now proposes to access the basement from a 5m by 9m sunken patio area. This is more than is considered reasonable in connection with utilities storage etc. which was the applicant's initial suggestion, and Building Control have confirmed that there is no requirement for external access under the Building Regulations. The intended use of this basement area is not clear from the submitted drawings, but it appears to provide additional habitable space given the addition of patio doors on the west elevation.
- 7.4 The basement will add approximately 417m<sup>3</sup> additional volume to the approved development, which will result in a dwelling that is 523% larger than the existing dwelling (302.8m<sup>3</sup>) and 66% larger than the existing dwelling plus unexpended permitted development rights. This will result in a dwelling that is materially larger than that to be replaced contrary to policy HSG8. The proposal is therefore considered to amount to inappropriate development in the Green Belt contrary to Local Plan policy GCB1 and national guidance PPG2, and no very special circumstances have been demonstrated to clearly outweigh this harm.
- 7.5 Further, due to the addition of a large sunken patio, the replacement dwelling will appear as an 8.5m high two storey structure when viewed from the west. This will appear far more visually intrusive than the dwelling to be replaced (a single storey bungalow with a 3.5m high roof). Although there are limited public viewpoints in this direction, the dwelling will still appear visible from neighbouring properties and from within the site where its impact on the openness of the Green Belt and character of the surrounding rural area is considered to be unacceptable. Officers therefore consider that the dwelling as now proposed would appear more visually intrusive than that to be replaced, again contrary to policies HSG8 and GBC1.

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- 7.6 Whilst it is acknowledged that there are larger two storey dwellings in the surrounding area, as pointed out by the applicant's agent, the tests in HSG8(b) and (c) specifically relate to whether the new dwelling is materially larger or more visually intrusive than that to be replaced, not neighbouring surrounding dwellings. Unfortunately, the smaller and less intrusive a dwelling is originally, the less potential it has to be extended or replaced without harming the Green Belt.
- 7.7 Overall, therefore, Officers consider that the proposed basement and sunken patio would result in a replacement dwelling that is both materially larger and more visually intrusive than that to be replaced contrary to policies GBC1 and HSG8, and no very special circumstances have been demonstrated to clearly outweigh this harm.
- 7.8 In terms of curtilage, a reduced red edge has now been agreed with the applicant under Condition 11 of the earlier consent; however not all the submitted drawings show this correct red edge. A condition to restrict the curtilage to drawing 11-1067-101 D would therefore be necessary to prevent further encroachment into the Green Belt.
- 7.9 A few amendments have been made to the design of the approved dwelling, namely the repositioning of a canopy area approximately 4m to sit more centrally on the south elevation, and an enlargement of the canopy by 0.4m, the addition of a chimney stack, and minor alterations to the approved fenestration. These amendments are considered to be acceptable and will have no further impact on the Green Belt or character of the area. It is also noted that a previously approved study in the roofspace has been removed from the proposal.
- 7.10 There have been no other changes to the layout, parking, access or landscaping of the site and no associated changes in planning policy since the previous approval.

### **8.0 Conclusion**

- 8.1 Overall, Officers consider that the proposed basement addition, along with the large sunken patio will result in a larger and more visually intrusive form of development than both the existing small single storey bungalow and the recently granted replacement dwelling. The proposal therefore conflicts with policies GBC1 and HSG8 of the Local Plan, and there are no very special circumstances to outweigh the harm by reason of inappropriateness in the Green Belt.
- 8.2 The application is therefore recommended for refusal for the reason set out above.