

**3/11/1282/FP - Replacement dwelling with basement - amendment to scheme approved under planning ref. 3/07/1374/FP at Woodlands, Friars Road, Braughing, Ware, SG11 2NR for Mr Edwards**

**Date of Receipt:** 18.07.2011

**Type:** Full – Major

**Parish:** BRAUGHING

**Ward:** BRAUGHING

**RECOMMENDATION**

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

1. Three Year Time Limit (1T121)
2. Approved Plans (2E10)  
[Insert drawing references: SE1; E.1858-07-5; E.1858-07-1 Rev A; 01; 03; and 4]
3. Materials of construction (2E11)
4. Withdrawal of P.D. (Part 1 Class A) (2E20)
5. Withdrawal of P.D. (Part 1 Class E) (2E22)
6. Tree Retention and Protection (4P05)
7. Hours of working - plant and machinery (6N05)

**Directives:**

1. The presence of any significant unsuspected contamination that becomes evident during the development of the site should be brought to the attention of the Local Planning Authority

**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 GBC3, HSG8, ENV1, ENV2, and TR7. The balance of the considerations having regard to those policies, and the grant of permission LPA ref 3/07/1374/FP and the limited impact of the proposed basement is that permission should be granted.

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**1.0 Background**

## **3/11/1282/FP**

- 1.1 The application site is shown on the attached OS extract and is located in the small settlement known as Braughing Friars which is to the east of Braughing. The original dwelling (now demolished) was a traditional detached bungalow and there is a detached swimming pool enclosure and garage complex within the application site and also a number of other structures.
- 1.2 This application seeks permission for a replacement dwelling with a basement. This application is an amendment to a replacement dwelling scheme approved under planning ref. 3/07/1374/FP. The basement is proposed to extend the entire foot print of the approved dwelling, resulting in an increase in the floor area of the dwelling by an estimated 178m<sup>2</sup>. The submitted plans indicate that the basement is to be used as a storage area, and no fenestration or lightwells are proposed. Furthermore, the basement is shown to be accessed from within the house. No external access to or from the basement is proposed. The size, scale, massing and design of the dwelling above ground level are proposed to remain unchanged from that approved in 2007.
- 1.3 A complaint was received by the Council in 2010 regarding works being undertaken at the site. An Officer visited the site in January 2011 and discovered that significant excavations had been undertaken to provide a basement to the approved replacement dwelling. The owner of the site was informed that planning permission was required for the basement, and accordingly the application has been submitted.
- 1.4 The site is located within the Rural Area Beyond the Metropolitan Green Belt, as designated within the Local Plan.

## **2.0 Site History**

2.1 The history of the site is listed as follows:

- 3/07/1374/FP – New replacement dwelling (Approved)
- 3/05/2435/FP – Erection of replacement dwelling (Refused)
- 3/05/0849/FP – Erection of playhouse – retrospective (Withdrawn)
- 3/05/0369/FP – Replacement dwelling – amended scheme (Refused)
- 3/04/0205/FP – Replacement dwelling – 5 bedroom (Refused)
- 3/00/2146/FP – Replacement dwelling and garages (Refused)

## **3.0 Consultation Responses**

### **3/11/1282/FP**

- 3.1 Environmental Health advises that any permission which the Planning Authority may give shall include conditions relating to noise issues; air quality issues; contaminated land; and refuse disposal facilities.
- 3.2 The Environment Agency has assessed the site and has identified flood risk as the only constraint on this site: *“Although the red boundary is over 1 hectare we (the Agency) feel that as the property does not intend to increase the built footprint that in this instance we have no concerns that cannot be addressed by the use of our Flood Risk Standard Advice (FRSA)”*. In this case, the FRSA outlines that the development shall ensure the management of surface water run-off and ensures that drainage from the development does not increase flood risk either on site or elsewhere. The Agency therefore recommended that the surface water management good practice advice in the FRSA is used to ensure sustainable surface water management is achieved as part of the development.

#### **4.0 Parish Council Representations**

- 4.1 Braughing Parish Council have made the following comments:

“In 2007, planning permission was granted for a replacement dwelling on this site. This was to cover the footprint of the existing one storey building. The applicant is now requesting permission to amend the plans to create a two storey building, which includes the construction of a basement covering the footprint of the house. Having spoken to Mr Charles Allingham, Braughing Parish Council understood that the basement was constructed without planning permission, and retrospective permission has not yet been sought.

Whilst Braughing Parish Council has no objection to such an application, we would very much urge the planning authority to apply a condition that this basement is strictly for storage purposes and is not to be used for residential purposes.”

#### **5.0 Other Representations**

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

GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
HSG8	Replacement Dwellings in the Green Belt and Rural Area Beyond the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
TR7	Car Parking – Standards

## **7.0 Considerations**

### Principle of development

- 7.1 The principle of development for a replacement dwelling on the site was considered to be acceptable through application ref. 3/07/1374/FP. Given therefore that permission has already been granted for a replacement dwelling, the main consideration in relation to this application is the addition of the proposed basement, and its impact on the Rural Area beyond the Green Belt and the character of the surrounding area.
- 7.2 Policy HSG8 of the Local Plan outlines the criteria that must be met when considering proposals for replacement dwellings. One of those criteria states that the volume of the new dwelling shall not be materially larger than the dwelling to be replaced. The volume of the replacement dwelling approved in 2007 was approximately 487 cubic metres. The proposed basement would have a volume of approximately 409 cubic metres, which would significantly increase the volume of the replacement dwelling, and increase the volume of the dwelling considerably above the original dwelling on the site (which has now been demolished). Whilst the proposal may not therefore fall squarely within the limits of policy HSG8 of the Local Plan, the specific circumstances of the proposal should be considered.
- 7.3 As outlined earlier in this report the basement is proposed to be fully enclosed below the dwelling and accessed only from inside the dwelling. No windows or lightwells are proposed to the basement, and it is also indicated that the basement is to be used for storage. The lack of fenestration to the basement does restrict the uses that it can be put to and would mean that the basement cannot be used for habitable accommodation such as bedrooms. As such the proposal would not result in a significant increase in the habitable accommodation provided within the dwelling.

### **3/11/1282/FP**

- 7.4 Furthermore, as the basement is not proposed to be accessed from outside the house it would not be visible and would therefore not have any visual impact on the Rural Area, and the resultant replacement dwelling would have no greater visual impact than the dwelling approved in 2007.
- 7.5 Having regard therefore to the above considerations, special circumstances are considered to exist in this case to warrant a departure from policies GBC3 and HSG8 of the Local Plan.
- 7.6 The comments of Braughing Parish Council have been noted, and in particular their request that a condition should be attached to any grant of permission restricting the use of the basement for storage. As outlined earlier in this report, the lack of fenestration to the basement restricts the use of the basement somewhat, and furthermore officers consider that such a condition would be unreasonable and unenforceable having regard to the tests set out in Circular 11/95. It would therefore not be appropriate in this case to attach such a condition.
- 7.7 The comments of the Environment Agency have been noted. Whilst they have drawn the Council's attention to good practice advice on surface water management, they do not request that the Council attaches any conditions to any grant of consent.

### **8.0 Conclusion**

- 8.1 As outlined in this report the proposal represents a departure from the Local Plan in respect of total volume of the replacement dwelling. However, the proposed basement would not be visible and therefore would not result in any harm to the character and appearance of the Rural Area nor would it result in a significant increase in the amount of habitable accommodation proposed.
- 8.2 For these reasons it is considered that special circumstances exist in this case. It is therefore recommended that planning permission be granted for the proposed development, subject to the conditions outlined above.