

12. 18/0756/FUL - Proposed new pool house outbuilding in lieu of existing outbuildings at 8 SEABROOK ROAD, KINGS LANGLEY, WD4 8NU, for Mr Lambert (DCES)

Parish: Abbots Langley
Expiry of Statutory Period: 15.06.2018

Ward: Abbots Langley and Bedmond
Case Officer: David Heighton

Recommendation: That Planning Permission be granted

Reason for consideration by the Committee: Councillor lives adjacent

1 Relevant Planning History

- 1.1 02/01696/FUL: Two storey front extension, single storey side extension, extension to garage and erection of a swimming pool enclosure. Refused.
- 1.2 03/0293/FUL: Two storey front, single storey side extension to garage. Refused.
- 1.3 04/0418/FUL: Single storey front, side and rear extension, loft extension and alterations to access. Approved.
- 1.4 05/0404/FUL: New front gates, pillars and wall. Refused.
- 1.5 18/0799/FUL: Installation of 72 frame mounted solar panels on aluminium frames. Pending.

2 Description of Application Site

- 2.1 The application site contains a detached chalet style bungalow situated within the Metropolitan Green Belt. To the east of the dwelling is an open field and to the south of the dwelling is a Public Right of Way that divides the application site with the neighbouring dwellings on Toms Lane.
- 2.2 The dwelling is situated at the end of Seabrook Road, with properties along Toms Lane backing onto the southern boundary. Front boundary treatments along Seabrook Road consist of hedges approximately up to 2m in height.
- 2.3 The site measures approximately 64-70m deep and 42m wide. The dwelling is set back approximately 10m from the road which is a typical setback for dwellings on the northern side in this part of Seabrook Road. The surrounding area is characterised by a mix of detached and semi-detached dwellings. A detached single storey garage, an outbuilding and annexe are situated to the western flank and rear of the dwelling with a further two outbuildings situated to the eastern flank of the property to the rear of the dwelling, adjacent to the swimming pool.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for a single storey timber outbuilding to rear to the property
- 3.2 The proposed outbuilding would be situated to the rear of the dwellinghouse facing the swimming pool and annex beyond. One of the existing outbuildings adjacent to the swimming pool is proposed to be demolished.
- 3.3 The outbuilding would measure 3.5m in height with a 20 degree splayed dual pitched roof, a depth of 4.5m and 6m in width. It would be constructed in brick with a set of doors within the front elevation and single door to the southern flank elevation facing the main dwellinghouse.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 **Planning Analysis**

7.1 Green Belt

7.1.1 The site is located within the Metropolitan Green Belt. Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. In relation to extensions to buildings in the Green Belt the NPPF stipulates that provided the extension or alteration of a building does not result in a disproportionate addition over and above the size of the original building it would not be inappropriate. Inappropriate development is, by definition, harmful to the Green Belt.

7.1.2 Policy DM2 of the Development Management Policies document (adopted July 2013) relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account. Policy DM2 states with regards to ancillary buildings that they should be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt. They should be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development.

7.1.3 The proposed detached outbuilding would replace two existing outbuildings, which covered an area 12m² and 6m² respectively. The proposed outbuilding would comprise an area of 22m² and therefore, be built to similar overall footprint as existing, in a similar location adjacent to the swimming pool to the rear of the dwelling. Therefore, it is not considered that the proposed outbuilding would result in the spread of built form towards more open land. The proposed outbuilding would hold a depth of 3.8m and a width of 6m with a pitched roof form 3m in height. The external finishes would match the existing dwelling located within the application site. Therefore, it is considered that the proposed outbuilding is an ancillary building to the dwelling and is of a scale and design which would be clearly subordinate to the host dwelling, which is approximately 6.5m high. It is therefore not considered that the height and bulk of the outbuilding would adversely affect the openness of the Green Belt and given that the proposal would replace existing built form, the outbuilding would be sited in an appropriate location.

7.1.4 The proposed development would not constitute inappropriate development within the Green Belt and would be acceptable in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.2.2 Two existing outbuildings will be demolished to facilitate the proposed development. The proposed outbuilding would be located in a similar position adjacent to the swimming pool as the two existing outbuildings, approximately 6m to the rear of the dwelling onsite. Therefore, the development would not be readily visible from public vantage points or from the street scene of Seabrook Road. Given that the proposed outbuilding would be finished in external materials to match the host dwelling, it is considered that the proposed development would result in any adverse impact to the character or appearance of the host dwelling or the surrounding area. This proposal will not be widely seen as it would be sited to the rear of the host dwelling.
- 7.2.3 In summary, it is not considered that the proposed development would result in any significant adverse impact on the character or appearance of the host dwelling, streetscene or area and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and to Policy DM1, DM3 and Appendix 2 of the Development Management Policies.
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that development should not result in loss of light to the windows of neighbouring properties not allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 The proposed outbuilding would be located in place of the existing two outbuildings, built close to the dwelling of the application site adjacent to the swimming pool. There is a further outbuilding and annexe adjacent to the existing garage to the western flank of the site. The development would be set in approximately 30m from the shared northern boundary with Seabrook Park. Therefore, it is not considered that the proposed outbuilding would appear overbearing or cause any loss of light to neighbouring amenity.
- 7.3.3 Within the front (western) elevation of the proposed outbuilding, a double door would be inserted and within the southern flank elevation a single access door is proposed. Given the ground floor siting of the fenestration and that the proposed outbuilding would be set in 30m from the nearest neighbour on the shared northern boundary, it is not considered that the proposed double door glazing would cause any unacceptable overlooking to neighbouring amenity.
- 7.3.4 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies.
- 7.4 Amenity Space Provision for future occupants

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space and section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document states that a five bedroom dwelling should provide 126sqm amenity space.

7.4.2 The proposed outbuilding would not lead to any additional bedrooms and there is sufficient amenity space to accommodate the proposed development and serve the dwellinghouse.

7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.5.3 The application has been submitted with a Biodiversity Checklist, which states that no protected species or biodiversity interests will be affected as a result of the application.

7.6 Trees and Landscaping

7.6.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.6.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.6.3 No significant trees would be affected by the proposed development.

7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a four or more bedroom dwelling should provide parking for three vehicles.

7.7.2 There is existing hardstanding to the frontage with space for at least six cars with a garage to the frontage. Therefore, the parking provision within the application site would be sufficient following implementation of the proposed development.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), SHT: No.1, and SHT: No.2 (all amended June 2018).

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the Metropolitan Green Belt and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure a satisfactory appearance of the development and to maintain the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Prior to the first use of the pool house hereby permitted the existing outbuildings as shown to be removed on plan SHT: No.1 (Amended June 2018) shall be demolished and the resultant materials removed from the site.

Reason: To ensure that the site is cleared in the interests of the appearance of the area and the openness of the Green Belt, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 The outbuilding subject to this application shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would result in inappropriate development and would not comply with Policies CP1, CP11 and

CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.