

12. 18/1659/FUL - Proposed change of use of part of paddock to residential curtilage and the installation of 64 solar panels at 8 SEABROOK ROAD, KINGS LANGLEY, WD4 8NU

Parish: Abbots Langley
Expiry of Statutory Period: 15.06.2018

Ward: Abbots Langley and Bedmond
Case Officer: David Heighton

Recommendation: That Planning Permission be Refused.

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 18/0756/FUL: Proposed new pool house outbuilding in lieu of existing outbuildings. Approved.
- 1.6 18/0799/FUL: Installation of 72 frame mounted solar panels on aluminium frames. Withdrawn.

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 and includes a residential dwelling and its curtilage in addition to part of an adjacent paddock which is in the ownership of the applicant but falls outside of the residential curtilage. 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 the change of use of part of a paddock, approximately 621m, to residential curtilage for the installation of 64 frame mounted solar panels on aluminium frames.
- 3.2 The proposed panels would be situated to the rear of the dwellinghouse to the northeast corner to the site in two lines of 32 panels, comprising a total length of 32.5m and a width of approximately 3m. Each frame would have a maximum height of 2.6m.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: (Support)

Members are in favour of this application

4.1.2 National Grid: (No comments received)

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 13 No of responses received: 1

4.2.2 Site Notice: Posted 24.08.2018 - Expired: 14.09.2018

Press notice: Published: 24.08.2018 - Expired: 14.09.2018.

4.2.3 Summary of Response:

- Reduction in number of solar panels does not reduce the impact on an area of green belt in any significant way
- No attempt to register the area of development within the curtilage of the dwelling
- Not in keeping
- The erection of solar panels on the proposed site would affect views from properties of No.161 to 175 on the north side of Toms Lane and would have a detrimental effect on the area.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

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, DM4, DM6, DM7, 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. The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 7.1.2 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 147 of the NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed.
- 7.1.3 Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
- 7.1.4 The proposed solar panels would be located within a paddock to the east of dwellinghouse. There is amenity space to the north of dwellinghouse, which is laid to lawn and is well maintained. However, the paddock was previously separated from the dwellinghouse by a fence, which has now been removed. While it is in the same ownership as the remainder of the site, the paddock is not considered to be part of the residential curtilage of 8 Seabrook Road.
- 7.1.5 In relation to extension to residential curtilages in the Green Belt, Policy DM2 of the Development Management Policies LDD (adopted July 2013) states that the Council will safeguard the countryside from encroachment, therefore proposals which include the extension of the curtilage of a residential property within the Green Belt, which involves an incursion into the countryside will not be supported.

- 7.1.6 The proposed development constitutes the partial redevelopment of a previously undeveloped site, on land outside the residential curtilage of the existing dwellinghouse. This would result in incursion into the countryside contrary to Green Belt policy.
- 7.1.7 The proposed solar panels would result in a material change of use of the open paddock to be part of the residential curtilage and it is considered that the extension of domestic activity beyond the existing residential curtilage would result in substantial encroachment and incursion of residential development into the countryside at the expense of the character and openness of the Green Belt, contrary to policy DM2 of the Development Management Policies document. Furthermore, the proposal would cover an area of approximately 100sqm resulting in a significant spread of development. It is considered that the finish would have an urbanising impact on the rural character of the area, appearing much more formal than the current grass of the paddock, exacerbating the incursion of the development into the countryside and diminishing the feeling of openness.
- 7.1.8 In accordance with paragraph 144 of the NPPF it is prudent to assess whether there are any very special circumstances that would outweigh the harm of the development by virtue of its inappropriateness and actual harm.
- 7.1.9 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure.
- 7.1.10 The submitted Design & Access Statement states that the applicants are very keen to ensure that their property is as energy efficient and self-sustaining as possible and that the current proposal will enable them to achieve this. As highlighted above the NPPF is supportive of supporting renewable energy infrastructure and thus the sustainability aspect of the proposal would weigh in favour of the development. Notwithstanding this, the provision of 64 solar panels covering an area of approximately 100sqm is considered to be an excessive amount for a single residential dwelling. Although there are residential dwellings in the vicinity, the site is open Green Belt and there would be views of the proposed development from the surrounding landscape and dwellinghouses. The addition of an urbanising feature within the Green Belt and further spread of development across the open site is considered to cumulatively result in a detrimental impact to openness in the Green Belt and harm to the visual amenities of the Green Belt. The extension of residential curtilage would result in the encroachment and incursion into the countryside, which in itself would be harmful to the open and rural character and visual appearance of the area. As such, it is considered that the wider benefit of the provision of sustainable energy is not sufficient to outweigh the harm caused to the Green Belt.
- 7.1.11 The site has also been deforested, which has increased the views of the site and proposed location of the solar panels from neighbouring properties such that the solar panels would appear as a prominent and visually intrusive feature in the surrounding area and landscape.
- 7.1.12 The proposed development including change of use, would have a greater impact on the openness of the Green Belt than the existing use and would therefore result in an inappropriate and harmful form of development within the Green Belt. The development would also conflict with the purposes of Green Belts. No material planning considerations of sufficient weight exist to constitute very special circumstances, which would outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and actual harm. The proposed development would therefore be contrary to Policies CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2 and DM7 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 The solar panels have a maximum total width of 32.37m and a maximum depth of 3.08m on a galvanised steel frame supported on a concrete footing to an overall height of 2.6m. It is considered that the scale of the solar panels do not respect the context of the site and would result in overdevelopment causing demonstrable harm to the character and appearance of the site.
- 7.2.3 The solar panels would be located to the rear of 8 Seabrook Road and therefore would not be readily visible from the highway. A public right of way does run along the southern boundary of the application site, although as a result of the boundary treatment, there would be limited views from the Right of Way. However, there may be some views from the west of the site where the boundaries are more open.
- 7.2.4 The introduction of 64 solar panels must be viewed within its immediate context and given the lack of surrounding properties or outbuildings, it would appear excessively prominent and would erode the open nature of the existing site in the proposed location. As such, due to the location and the scale of the proposed solar panels, they would also appear excessively prominent from neighbouring perspectives. However, it is considered that the proposal would not have an adverse impact on the streetscene. Furthermore, as set out above it is considered that the proposal would have an adverse impact on the character and openness of the Green Belt.
- 7.2.5 The solar panels by virtue of the proposed scale, when viewed in context would result in an unduly prominent form of development leading to the overdevelopment of the site to the detriment of the character of the area and the visual amenity of neighbouring properties. The development is therefore contrary to 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).
- 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 solar panels would be set off the boundary with the neighbouring dwellings and would effectively be single-storey with a maximum height of 2.6m and would not result in a loss of light nor would give rise to overlooking to any neighbours. However, given the character of the surrounding area and the proposed scale relative to the context of the site, the development would appear oversized and as a result would be excessively prominent in relation to adjacent properties.
- 7.3.3 It is therefore considered that the proposed solar panels would not result in a significant adverse impact on the neighbouring properties and would therefore not be unacceptable

in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3.4 Notwithstanding the above, the solar panels by virtue of their scale would fail to have regard to the character of the area and would appear unduly prominent; including from neighbouring properties.

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 solar panels 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**

That PLANNING PERMISSION BE REFUSED for the following reasons:

R1 The proposed change of use of the land to residential curtilage (including the installation of 64 solar panels) would fail to preserve the openness of the Green Belt and would conflict with the purpose of Green Belts by resulting in encroachment to the countryside. The development would therefore result in an inappropriate form of development which, by definition, is harmful to the Green Belt. No material planning considerations of sufficient weight have been demonstrated which would constitute very special circumstances to outweigh the inappropriateness of the development and the actual harm to the openness of the Green Belt. As a result the development would be contrary to Policies CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2 and DM7 of the Development Management Policies LDD (adopted July 2013) and the revised NPPF.

R2 The change of use of the land to residential curtilage (including the installation of 64 solar panels) results in an incompatible form of development given the scale and unduly prominent form of development leading to the overdevelopment of the site to the detriment of the character of the area and the visual amenity of neighbouring properties. The development is therefore contrary to 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).

8.1 **Informatives:**

The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.