

9. **18/2116/FUL: Proposed part first floor, part two storey side extension, extension to rear dormer, alterations to existing rear projection and use of roof as a balcony, front porch canopy, alterations to fenestration and construction of swimming pool at CALLIPERS COTTAGE, PENMANS GREEN, SARRATT, WD4 9AY (DCES)**

Parish: Sarratt

Ward: Chorleywood North And Sarratt

Expiry of Statutory Period: 18.12.2018

Case Officer: David Heighton

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: The Planning Agent is a TRDC Councillor

## **1 Relevant Planning History**

- 1.1 W/982/70 – Extensions. Permitted: Implemented

## **2 Description of Application Site**

- 2.1 The application site contains a detached two storey dwelling located in Penmans Green within the Metropolitan Green Belt. The site is surrounded by fields to the north-east and west and the southern boundary adjoins Gable Cottage; a detached dwelling that is set in from the common boundary with a gable fronted roof and three mono-pitched front dormers and rear flat dormer. The dwelling has a single storey flat roofed side and rear extension and is constructed in red brick and red tiled roof.
- 2.2 The dwelling is set in from all boundaries and the access is sited within the south-west corner of the plot. The existing vehicular access consists of a gravel drive which runs along the southern boundary and serves the detached garage sited within the south-west corner of the plot. The garden surrounds the dwelling to the north, east and west; the amenity space provision is open in character and contains a number of trees. The amenity space provision is enclosed by vegetation screens. There are no significant level changes.

## **3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for a part first floor, part two storey side extension, extension to rear dormer, alterations to existing rear projection and use of roof as a balcony, front porch canopy, alterations to fenestration and construction of swimming pool.
- 3.2 The proposed roof extension would consist of the erection of two dormers within the front roofslope with a width of 1.3m and 1m and a maximum depth of 1m, which would match the design and appearance of the adjacent front three dormers. The existing flat roof rear dormer would be replaced with a larger dormer which would extend across the existing and extended roofslope measuring 4.5m in width and 7.2m in height. The dormer would include full height glazed openings with access provided to the flat roof of the single storey rear extension including the installation of a glass balustrade to form a first floor terrace to a depth of 6.4m and a width of 11.2m.
- 3.2.1 The redevelopment of existing ground floor extensions would comprise of a front infill with canopy projection, which would have a depth of 2.5m and width of 4.5m and the removal of a rear access, 0.8m deep and 2.4 wide at ground floor level. Part of the single storey ground floor rear extension would be removed with glazed panels inserted. The construction of a swimming pool, 4m wide by 9.8m long to 2.1m at the deepest point and an extended patio would be located to the northeast of the site.

## **4 Consultation**

## 4.1 Statutory Consultation

### 4.1.1 Sarratt Parish Council: [No Objection]

The Parish Council have no objection to this application.

### 4.1.2 Herts and Middlesex Wildlife Trust: [No comments received]

### 4.1.3 Herts Ecology: [No objection]

The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site itself, which includes a detached two storey house with large single storey, flat roof, side and rear projection. The property is in a rural location surrounded largely by fields. 45m to the south are two meadows known as 'Fields N. of Quickmoor Lane', which are designated as a Local Wildlife Site (LWS) for their grassland interest. Penmans Green LWS, designated for its secondary woodland interest, lies 200m to the west; and Chipperfield Common, designated for its grassland and woodland interest, lies 360m to the north. There are also two LWS in the vicinity which are designated for their bat interest. All the nearby habitats will provide suitable foraging and commuting opportunities for bats, and there are records of them roosting in buildings in close proximity. There is also a record of breeding Great crested newts from a pond within Chipperfield Common.

Bats are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings (often underneath loose tiles or lifted weatherboarding, or in gaps/cracks in the fabric of a building), as well as in trees, if suitable features and conditions are available.

Although habitat connectivity to Callipers Cottage is good, the proposals appear to be concentrated on the well-sealed gable end and single storey flat roof projection, which are unlikely to have significant bat roosting features and access points. Consequently, I do not consider bat surveys are necessary in this instance. Notwithstanding, as bats are known to be in the area, I recommend a precautionary approach to the works is taken and advise the following **Informative** is added to any permission granted:

*"If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England."*

Great crested newts (including the animals, eggs, breeding sites and resting places) are protected by European and national legislation. These amphibians spend the majority of their lifecycle on land, typically up to 200m from their breeding pond but can travel further if suitable contiguous commuting and sheltering habitat is present.

The development proposal will not destroy any ponds that support breeding Great crested newts, or any important Great crested newt terrestrial habitats. Consequently, I do not consider amphibian surveys are necessary in this instance. The greatest risk to Great crested newts during development is from construction activities, when they may take refuge under building materials (when they are terrestrially active typically March-April and June-Oct) and become trapped or harmed. To minimise the risk of Great crested newts being harmed and of an offence being committed, I recommend that Reasonable Avoidance Measures are followed and the following **Informative** is added to any permission granted:

*"Stored materials (that might act as temporary resting places) should be raised off the ground e.g. on pallets or batons away from hedgerows if possible. Caution should be taken when moving building materials as any sheltering animals could be impacted on."*

*Trenches should be provided with a means of escape for any animals that may have become trapped; this is particularly important if the trench fills with water. In the event that a Great crested newt is encountered during works, construction must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.”*

4.1.4 National Grid: (No comments received)

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 2

4.2.2 No of responses received: 0 objections, 1 letter of support

4.2.3 Site Notice: Posted 08.11.2018 - Expired: 29.11.2018

Press notice: Not applicable.

4.2.4 Summary of Response:

- Design will enhance property appearance, consistent with the existing building in matching materials.
- Does add mass, however, utilisation of dormers helps to minimise the appearance of the additional storey.

## **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, DM6, DM13 and Appendices 2 and 5.

### 6.3 Other

Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003).

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 Impact on Metropolitan Green Belt

- 7.1.1 The site is located within the Metropolitan Green Belt. Paragraph 133 of the NPPF states that the Government attached 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 at paragraph 145 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 CP11 of the Core Strategy (adopted October 2011) 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.
- 7.1.3 Policy DM2 of the Development Management Policies LDD (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.
- 7.1.4 It is noted that neither the NPPF nor the local planning policies give any clear guidance on the interpretation of the scale of extensions that would be considered disproportionate. However, The 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' provides further explanation of the interpretation of the Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2 of the Development Management Policies LDD. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As a guide, the SPG advises that extensions resulting in a cumulative increase in floor space of more than 40% compared with the original dwelling may be disproportionate.

7.1.5 It is noted that in an appeal decision for The Well House, Commonwood, Sarratt (Appeal Ref: APP/P1940/D/13/2209050), the Inspector commented that;

'Whilst this SPG is some years old, in my opinion it remains relevant to the context of the more up to date policies and as it was subject of formal adoption and public consultation, I can afford significant weight.'

The Inspector's comments noted above have been reiterated by a number of subsequent Inspector's including that for appeal decisions at Little Winch, The Common, Chipperfield, Kings Langley (Appeal Ref: APP/P1940/D/14/2220962). Thus, the SPG is still considered to be relevant and a material consideration.

#### 7.1.6 Green Belt Calculations

- Original floor space – 95 sqm
- The existing extensions amount to 80 sqm of floor space
- Existing Building – 175 sqm
- Floor space of proposed dwelling - 221sqm
- The existing and proposed extensions would result in a cumulative increase of approximately 126sqm (130%) over the original dwelling.

7.1.7 The proposed development would result in an increase of 130% over the original dwelling's floorspace. Therefore, the overall cumulative effect of the existing extensions with the proposed extensions would be disproportionate to the original dwelling and would be harmful by definition. The proposed extended roof slope would have a depth of 7.2m and a width of 4.5m at first floor level, which would also include the extension of the existing flat dormer 2.7m to the west. The redevelopment of existing ground floor extensions would comprise of a front infill with canopy projection, which would have a depth of 2.5m and width of 4.5m and the removal of a rear access, 0.8m deep and 2.4 wide at ground floor level.

7.1.8 The NPPF at paragraph 133 states that one of the essential characteristics of the Green Belts is their openness. The SPG also states that extensions at first floor level or above should not make the building more prominent by virtue of its bulk or design. It goes on to state that increases in apparent roof bulk will be considered to adversely affect the openness of the Green Belt. The existing dwelling has a pitched roof with gable ends to the eastern and western flanks. The proposed development includes extending the ridge 4.5m eastwards across the width of the extended dwelling, to a depth of 7.2m northwards, including two front dormers and the removal of the existing chimney and the extension of the existing flat dormer 2.7m to the west. The proposal would therefore significantly increase the roof width, bulk and massing. The proposed width and height of the roof extension would further exacerbate the scale of the dwelling in comparison to the size of the original, resulting in a prominent feature within the Metropolitan Green Belt. Therefore, in addition to harm by definition, there would be actual harm to the openness of the Green Belt. The proposed roof extension would therefore be considered as a prominent addition, disproportionate to the original dwellinghouse, considering that the proposal would increase the existing first floor width by approximately 41% of the original dwelling.

7.1.9 SPG 3 'Extensions to dwellings in the Green Belt' advises that small dwellings under 110sqm may be allowed a larger extension to allow upgrading to contemporary living standards. The original floor space of the dwelling was approximately 95sqm. However, with the existing extensions, the dwelling currently benefits from a living room, dining room, kitchen, bathroom, bedroom with ensuite and study at ground floor level and two bedrooms, WC and store at first floor level which resulted in an increase of 80 sqm, an 84% on the original floorspace. The proposed extensions would provide for an open plan kitchen/diner and second living room at ground floor level and an ensuite bathroom and dressing room at first floor level, which would not be required to achieve contemporary

living standards. It is considered that there is already adequate living space and therefore it is not considered that the extensions would be justified on the basis for providing extra space for modern living standards.

- 7.1.10 In addition to the increase in floor space, the proposed cumulative bulk and massing of the extensions and alterations would appear excessive and disproportionate in comparison to the existing dwelling. Furthermore, the extensions together with the alterations to the roof form, due to the excessive bulk, massing and scale would result in a disproportionate addition over and above the existing building.
- 7.1.11 Whilst a degree of flexibility is allowed for extending small dwellings, it is considered that previous extensions have enabled modern living standards and therefore by virtue of the current scale and siting of the extensions proposed, the cumulative impact would be disproportionate over and above the original dwelling resulting in an inappropriate form of development which, by definition, would be harmful to the openness of the Green Belt. The NPPF states that substantial weight should be afforded to the harm arising from the inappropriateness of the development.
- 7.1.12 In terms of appearance the proposed balcony would increase the level of glazing to the northern elevation. It could be argued that this could introduce a more contemporary appearance to the application dwelling, however, the balcony would be contained solely within the footprint of the existing single storey projection to the south and would not appear excessive relative the existing application dwelling. It is therefore not considered that the proposed balcony would result in an encroachment onto the rural characteristics of the application site nor does it result in any additional built form so as to result in harm to the openness of the Green Belt.
- 7.1.13 The proposed swimming pool would constitute an engineering operation and thus can be considered as appropriate development within the Green Belt subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. In respect of the swimming pool and associated works, the majority of the development would be below ground with the patio above the garden level, the only visible signs of its existence. The visual impact of the excavated area would be further mitigated by the location. Given that the engineering operations fall within the curtilage of the house they would not conflict with the purposes of Green Belts as set out within paragraph 134 of the NPPF.
- 7.1.14 Overall, the proposed extensions would constitute inappropriate development within the Green Belt which by definition would be harmful to the openness of the Green Belt. No very special circumstances have been identified to outweigh the harm to the Green Belt. As such, the proposed development is contrary to 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 The proposed extensions would significantly increase the depth and width of the dwelling along with the significant alterations to the roof form the resultant bulk and massing of the dwelling would result in a relatively urban appearance within this rural setting. However, the dwelling is sited significantly back within its plot on the corner of Penmans Green and is therefore not readily visible from the street scene. Thus, although the development would result in a significant increase to the bulk and massing of the existing dwelling, it is not considered that it would result in demonstrable harm to the character and appearance of the street scene.
- 7.2.3 Due to the location of the dwelling relative to the road, the proposed development would not be readily visible from public vantage points along Penmans Green. Although, some views would be had when travelling north and east towards the site along the road and north and south on the public footpath that runs adjacent to the site boundary.
- 7.2.4 The dwelling is relatively adjacent to a public footpath, that the proposed upper floor level of the development would be readily visible from public vantage points above the existing ground floor screening. Given that the dwelling is sited significantly back within its plot it is not considered that the proposed development would result in demonstrable harm to the character and appearance. The proposed development would therefore not have an adverse impact on the visual amenities of the surrounding area. However, this is outweighed by the fact that the proposed development constitutes inappropriate development within the Green Belt and would be harmful to the openness of the Green Belt.
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy (adopted October 2011) advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD (adopted July 2013) comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.3.2 The development would increase the amount of windows within the south elevation. However, the proposed development would remain off-set by 12m from the shared boundary with The Woodlands to the south. The Woodlands is sited an additional 7.5m to the south. As such, it is not considered that the proposal would result in a detrimental impact to the residential amenities of this neighbouring dwelling through loss of light or overbearing impact compared to the existing circumstances. The proposed balcony at first floor level would be considered to be unacceptable, however, given the siting and outlook from the proposed balcony and terrace no overlooking would result.
- 7.3.3 It is not therefore considered that the proposed development would result in detrimental harm to neighbouring amenity and would not have any impact to any other residential dwellings. Furthermore, it is not considered that the resultant noise from the use of the swimming pool would have an adverse impact on the residential amenity of those residing at Penmans Green.
- 7.4 Amenity Space Provision for future occupants
- 7.4.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 The proposed development would not result in any additional bedrooms or loss of existing amenity space.
- 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 and states that no protected species or biodiversity interests will be affected as a result of the application.
- 7.5.4 However, given that the development would affect the roof of the dwelling including the subsequent proposed building activity and considering comments from Hertfordshire Ecology, that bats and Great crested newts are known to be in the area. Informatives would be added to any consent, advising the applicant what to do should bats and great crested newts be discovered during the course of development.

## 7.6 Trees and Landscaping

- 7.6.1 The application is not considered to result in any impact to trees.

## 7.7 Highways, Access and Parking

- 7.7.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision.
- 7.7.2 The proposed development would not result in the creation of any additional bedrooms or loss of existing parking provision.

## 8 **Recommendation**

That PLANNING PERMISSION BE REFUSED for the following reason:

- R1** The proposed extensions by virtue of their siting, elevated bulk, mass and cumulative impact in conjunction with past extensions would be disproportionate additions, over and above the original dwelling resulting in significant and bulky net additions which would be to the detriment of the openness of the Metropolitan Green Belt. The development would therefore constitute an inappropriate form of development within the Metropolitan Green Belt. No very special circumstances exist to outweigh the harm that would be caused by the proposed development by virtue of its inappropriateness and harm to openness. The proposed development would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the revised NPPF (July 2018).

### 8.1 **Informatives:**

- 11 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.