

7. 19/0787/FUL - Construction of independent garage structure to front of dwelling with associated alterations to the driveway at THISTLE LODGE, BEDMOND ROAD, ABBOTS LANGLEY, WD3 0QB

Parish: Abbots Langley Parish Council

Ward: Abbots Langley and Bedmond

Expiry of Statutory Period: 25.06.19

Case Officer: Aaron Roberts

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application is brought before the Committee as the planning agent is a Councillor.

1 Relevant Planning History at Application Site

- 1.1 8/258/77 - Agricultural dwelling and building - Permitted 28.06.1977.
- 1.2 8/62/78 - Erection of dwelling house (detailed drawings) – Refused 06.04.1978.
- 1.3 8/353/78 - Agricultural dwelling in detail – Permitted 20.06.1978.
- 1.4 8/424/80 - Erection of agricultural building – Permitted 14.08.1980.
- 1.5 98/1006 - (Permitted Development Notice) - Erection of agricultural barn - 08.01.1999.
- 1.6 08/1364/FUL - Removal of condition 3 from planning permission 8/258/77 to allow existing agricultural dwelling to be used as private dwelling house - Permitted 10.09.2008.
- 1.7 08/1643/FUL - Single storey rear extension, first floor side extension, conversion of garage into habitable room and alterations to fenestration - Permitted 21.10.2008 and not implemented
- 1.8 09/0106/FUL - Part Retrospective: Demolition of existing garage and single storey side/rear extension and erection of two storey and single storey side extensions and single storey rear extension – Permitted 20.04.2009 and implemented.
- 1.9 09/0117/FUL - Erection of triple garage to front of dwelling. Refused 20.04.2009 due to the following reason:

‘The proposed garage, by reason of its excessive height, length and bulk would result in a development that is overly prominent within the surrounding landscape to the detriment of the openness and spacious character of the Metropolitan Green Belt. Furthermore, by reason of its location, bulk and massing, the garage would result in a prominent and obtrusive form of development to the detriment of the visual amenities of the street scene. The proposal is therefore contrary to Policies GEN3, GB1, GB7 and Appendix 2 of the Three Rivers Local Plan 1996-2011’
- 1.10 14/0389/FUL - Loft conversion including front and rear dormers - Permitted 25.04.2014 and implemented.

2 Description of Application Site

- 2.1 The application site is located via a privately maintained road which runs parallel to Love Lane and is accessed off Bedmond Road. This road provides access for the

site, the adjacent properties of No.1 and 2 Reservoir Cottages and the Abbots Langley Reservoir.

- 2.2 The application dwelling is a two storey detached property of a late twentieth century appearance finished in red brick. The property has been extensively extended. Within the front curtilage there is hardstanding that provides parking.
- 2.3 To the east of the site are No. 1 and 2 Reservoir Cottages, sited approximately 9m from the flank boundary of the site. These dwellings are not clearly visible as a result of the 2m high boundary treatment and mature vegetation along the flank boundary.
- 2.4 The property is enclosed by close boarded fencing to the western boundary. Three dwellings are currently being constructed within the land directly to the west. The application site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 This planning application seeks planning permission for the construction of an independent garage structure to the front of the dwelling with associated alterations to the driveway.
- 3.2 The proposed independent garage structure would be situated to the south-west of the site, located approximately 0.3m from the western boundary at its closest point. The garage structure would face an easterly direction. The proposed garage structure would have a width of approximately 6.8m and a depth of 6m. The structure would have a hipped roof form with a maximum height of approximately 4.4m and an eaves height of 2.6m. The proposed garage would partly be finished in brickwork to match the existing dwelling and partly in stained timber cladding. The garage door within the east elevation and access door within the north elevation would be finished in stained timber. The roof tiles would match the existing dwelling.
- 3.3 Alterations are proposed to the driveway to provide a single surface type so that the area in front of the garage matches the existing driveway. As part of the works a slabbed paved path would be laid connecting the garage access door to the rear of the dwelling.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: [No Objection]

'No objection'

- 4.1.2 National Grid: No response received.

- 4.1.3 Landscape Officer: [No Objection]

'There is sufficient distance between the proposed garage and the existing trees, and therefore I have no objections to the proposed development.'

5 Public/Neighbour Consultation

- 5.1.1 Number consulted: 10 No of responses received: 0.
- 5.1.2 Site Notice: Further consultations required (expired 07.06.2019)

Press notice: Not applicable.

Summary of Responses: None received.

6 Reason for Delay

6.1 No delay.

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 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 2019 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.

7.2 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.

7.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

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.

The Supplementary Planning Guidance No. 3 - Extensions to Dwellings in the Green Belt (March 2004) provides further guidance on extensions to dwellings in the Green Belt.

8 Planning Analysis

8.1 Greenbelt

8.1.1 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 Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

- a) to check unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

8.1.2 Paragraph 143 of the NPPF stipulates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

8.1.3 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.

8.1.4 Policy DM2 of the Development Management Policies LDD (adopted July 2013) advises that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would;

- i) 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;*
- ii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development; and*
- iii) avoids features normally associated with the use of a building as a dwelling such as dormer windows.*

8.1.5 The proposed garage would be single storey and not of significant footprint or height and would be viewed as subordinate against the host dwelling. It would be sited in close proximity to the western and southern boundary's which are both screened by dense vegetation, such that the building would not be prominent in the landscape. It would be located on an area of existing hardstanding and would not result in the spread of urbanising development within the site. No dormer windows or similar features normally associated with the use of a building as a dwelling are proposed. In summary, due to its siting, size and design, including its hipped roof form, it is considered that the proposed garage would be of a scale and design subordinate to the host dwelling and would not adversely affect the openness of the Green Belt.

8.1.6 The alterations to the driveway would ensure matching materials are used, however, as the area is already laid to hardstanding there would be no additional harm.

8.1.7 As such it is considered that the proposed development would be acceptable within the Green Belt in accordance with Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

8.2 Impact on Character and Street Scene

8.2.1 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'

8.2.2 Given the location of the proposed garage structure, it would be partially visible from the streetscene. Although the garage structure would be located close to the road, the road is a privately maintained road which runs parallel to Love Lane and serves only No.1 and 2 Reservoir Cottages and the Abbots Langley Reservoir. Additionally the proposed garage structure would be partly screened by dense hedging and trees along the southern and western boundary. Due to its isolated location, size and design including its hipped roof form, it is considered that the proposed garage would be of a scale and design subordinate to the host dwelling and wider streetscene and would not result in any significant adverse impact on the character and appearance of the host dwelling or wider streetscene. Additionally, the brickwork and roof tiles would match the existing house and the remaining part of the garage would be finished in stained timber, a rustic finish which would not look out of keeping within the streetscene.

8.2.3 Given the above considerations, the proposal would not result in any adverse impact on the character and appearance of the host dwelling or wider streetscene and the development would therefore be acceptable 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).

8.3 Impact on amenity of neighbours

8.3.1 Policy CP12 of the Core Strategy states that development should '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 document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

8.3.2 No.1 and 2 Reservoir Cottages are situated approximately 9m from the eastern boundary of the site. The three properties currently being constructed within the piece of land directly to the west of the host site are sited a minimum of approximately 11m from the boundary with the host dwelling. Due to the siting of the proposed

development relative to the surrounding neighbouring properties, it would not result in any loss of light or harm to the visual amenities of any neighbouring properties. No overlooking would be permitted from the proposed development.

- 8.3.3 The proposed development would therefore not result in any harm to the residential amenities of the surrounding neighbouring properties in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.4 Wildlife and Biodiversity

- 8.4.1 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.

- 8.4.2 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.

- 8.4.3 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. The site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

8.5 Trees and Landscaping

- 8.5.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

- 8.5.2 The application site is not located within a Conservation Area, however there are trees along the western boundary of the site which are protected by a Tree Preservation Order. The Landscape Officer raised no objections to the proposal, stating that there is sufficient distance between the proposed garage and the existing trees. No trees of public amenity would be harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

8.6 Highways, Access and Parking

- 8.6.1 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.

- 8.6.2 The proposed garage structure and alterations to the driveway would provide an additional car parking space, so sufficient parking would continue to be provided. It is not considered that the increase in hardstanding and provision of the garage structure would result in any harm to highway safety.

9 Recommendation:

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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: 1223SK100B, 1223SK101B.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the visual amenity and openness of the Green Belt 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 that the external appearance of the building is satisfactory 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).

Informatives:

- I1 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) 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 and/or their agent 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.