

PLANNING COMMITTEE – 22 APRIL 2021

PART I - DELEGATED

9. 21/0258/FUL - Demolition of existing garage and gym and construction of single storey outbuilding consisting of store, gym and garage to side and rear of dwelling at 8 SEABROOK ROAD, KINGS LANGLEY, WD4 8NU

Parish: Abbots Langley
Expiry of Statutory Period: 15.04.2021
Extension of time: 29.04.21

Ward: Abbots Langley and Bedmond
Case Officer: David Heighton

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: The planning agent is a Councillor and a 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. Withdrawn
- 1.6 18/0756/FUL: Proposed new pool house outbuilding in lieu of existing outbuilding. Permitted
- 1.7 18/1659/FUL: Change of use of part of paddock to residential curtilage and the installation of 64 solar panels. Refused for the following reasons:

R1: The proposed change of use of the land to residential curtilage and 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 permanent encroachment to the countryside of residential use and large inappropriate structures. 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).

An appeal against the Council's decision was made but was subsequently dismissed (APP/P1940/W/18/3218067)

2 Description of Application Site

- 2.1 The application site contains a detached chalet style bungalow situated at the end of Seabrook Road, located within the Metropolitan Green Belt. To the east of the dwelling is an open field (paddock) and to the south of the dwelling is a Public Right of Way that divides the application site with the neighbouring dwellings which front Toms Lane.
- 2.2 To the immediate west of the application site is an access to Seabrook Park, a detached residential dwelling which is positioned to the north of the host property. The entrance into the site is gated with hedging and mature trees making up the southern and western boundaries.
- 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.
- 2.4 Within the application site there is a detached single storey garage and an outbuilding abutting the western boundary in close proximity to the rear of the dwelling. A further outbuilding is situated adjacent to the swimming pool.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of the existing garage and gym outbuildings and the construction of single storey outbuilding consisting of store, gym and garage to side and rear of the dwelling.
- 3.2 The proposed outbuilding would be split into three components, although the garage and gym would be internally connected via a flat roof served by three rooflights. The outbuilding would have a total depth of 31.5m running parallel with the western boundary of the site.
- 3.3 The garage element would measure approximately 8.3m in width, 12m in depth and would have a pitched roof at a height of 4.8m sloping down to an eaves height of 2m. To the front there would be an aluminium roller shutter and to the north eastern flank elevation two UPVC windows would be inserted. Internally, the submitted plans show that up to four vehicles could be stored.
- 3.4 The gym element which would also include a shower/WC and a boiler would measure 12m in depth and would have a staggered width with a maximum projection of 7.4m. This element would have a gabled roof form. The main roof would be pitched at a height of 5m sloping down to an eaves height of 2.2m. Windows and a door would be provided to the north eastern flank elevation and two rooflights within the western roofslope. Excluding the north eastern projection, the walls would be rendered white with cement boarding to within the gabled elevations.
- 3.5 The storage element (for garden maintenance purposes) would measure 8m in depth and would have a width of 4m. It would have a height of 4.2m sloping down to an eaves height of 2.2m. Two aluminium roller shutter doors are proposed within the north eastern elevation while the walls would be bricked.
- 3.6 All the elements of the proposal would include tiled roofs.
- 3.7 The applicant has also submitted plans in relation to permitted development, which it is presumed are intended to demonstrate a potential fall back scenario although no further explanation has been supplied relating to these.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Noted]

Application noted.

4.1.2 National Grid: [No comments received, any comments received will be verbally updated]

4.1.3 Landscape Officer: [No comments received, any comments received will be verbally updated]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 10 No of responses received: 1

4.2.2 Site Notice: Posted 16.02.2021 - Expired: 09.03.2021

Press Notice: Not applicable

4.2.3 Summary of Responses: 1 – (Neutral)

- Concern at resultant potholes in road due to construction lorries

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

6.1.1 On 19 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”.

6.1.2 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

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.

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

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 attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. In relation to the construction of new buildings paragraph 145 of the NPPF lists a number of exceptions to inappropriate development. Of most relevant to the current proposal includes part (c) 'the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building' and part (d) 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.

7.1.2 In addition, local planning plan Policy DM2 of the Development Management Policies document (adopted July 2013) provides support for the provision of ancillary buildings in the Green belt where it can be demonstrated that the development would:

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

7.1.3 The existing buildings have a combined depth of 19m, a maximum width of 8.1m and a maximum height of 3.4m although the garage element has a flat roof height of 2.4m. In total, the existing floor area coverage of the buildings is approximately 126sqm.

7.1.4 The proposed replacement outbuilding would be located in a similar position as the existing outbuildings, adjacent to the western boundary. The outbuilding would have a total depth of 31.5m, a maximum width of 8.3m and heights ranging from 4.2m to 5m. In total, the proposed floor area coverage of the replacement outbuilding would amount to approximately 217sqm.

- 7.1.5 The replacement outbuilding would result in an increase in floorspace by 72% and would also be higher, deeper and wider than the existing. As a result, the replacement outbuilding would be materially larger than the existing buildings and thus cannot benefit from paragraph 145(d) of the NPPF.
- 7.1.6 Due to the proximity of the replacement outbuildings in relation to the dwelling, it could be argued that they would appear as extensions to the dwelling and thus paragraph 145(c) of the NPPF may be applicable subject to not being disproportionate. Based on the submitted plans the existing dwelling has a floor area of approximately 160sqm. Due to the implementation of past extensions (04/0418/FUL) which amount to 61sqm it is likely that the original floorspace equated to approximately 100sqm.
- 7.1.7 Consequently, when considering the past extensions (61sqm) in conjunction with the proposed outbuildings (217sqm), there would be an increase above the original floorspace of the dwelling by 178%. In addition to the increase in floorspace the outbuildings would add significant volume and height to the western part of the site.
- 7.1.8 The SPG 'Extensions to Dwellings in the Green Belt' defines disproportionate as extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling. Whilst it is acknowledge that the SPG is old, the guidance still provides a useful guide in respect of defining disproportionate, although it is noted that floorspace is not the sole indicator.
- 7.1.9 Based on the significant increase in floorspace and added volume and height the outbuildings would not fall within the scope of paragraph 145(c) as the cumulative impact of past extensions and the outbuilding would amount to disproportion additions.
- 7.1.10 It is also considered by virtue of the scale of the outbuilding that it would not appear subordinate to the dwelling. Notwithstanding its relatively limited visibility from public vantage points, openness is not solely concerned about whether it can be seen but it also has a spatial element in terms of the absence of built form. Additionally, it is noted that the outbuilding does contain some features which are normally associated with the use of a building as a dwelling such as bi-fold doors. Nevertheless, given the scale, height and bulk of the outbuilding it is considered to conflict with Policy DM2 of the Development Management Policies LDD.
- 7.1.11 On the basis that the development does not fit squarely into any of the exceptions listed at paragraph 145 of the NPPF nor does it comply with Policy DM2, the development would constitute inappropriate development within the Green Belt. As per paragraph 143 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.1.12 In addition to its inappropriateness there would also be harm to the openness of the Green Belt. The proposed outbuilding would further erode the openness to the side of the house and would be relatively close to the house, thereby spreading development across the site. As such, there would be actual harm to the openness and rural character of the Green Belt.
- 7.1.13 The proposed development would therefore constitute inappropriate development within the Green Belt and would harm the openness of the Green Belt, contrary with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF. Paragraph 144 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.2 Any other harm

7.2.1 The following sections will now assess whether there would be any other harm associated with the development along with its inappropriateness and impact on openness.

7.3 Impact on Character and Street Scene

7.3.1 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'.

7.3.2 The proposed outbuilding would be located in a similar position adjacent to the western boundary as the two existing outbuildings, approximately 1m to the western flank of the dwelling onsite. The proposed outbuilding would have a gable roof form and be of a single storey nature. It would be finished in external materials to match the host dwelling, and would not be widely seen as it would be sited to the rear of the host dwelling adjacent to the private access track to Seabrook Park.

7.3.3 The development would not be readily visible from public vantage points or from the street scene of Seabrook Road. Despite the increase in both depth and height, given the site circumstances it is not considered that the proposed development would result in any adverse impact to the character or appearance of the host dwelling or the surrounding area.

7.3.4 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 and Appendix 2 of the Development Management Policies.

7.4 Impact on amenity of neighbours

7.4.1 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.

7.4.2 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 western boundary. The development would be set in adjacent to the track and common western boundary to Seabrook Park and would be located 6.5m from the northern boundary with Seabrook Park, whose flank elevation is set back approximately a further 12.3m. Therefore, it is not considered that the proposed outbuilding would appear overbearing or cause any loss of light to this neighbouring dwelling.

7.4.3 The rear elevation of the neighbouring property, No. 4 Seabrook road to the west would be level with the proposed front elevation of the outbuilding. Given the 14.5m separation distance, which would include the neighbouring garage and private access track it is not considered that the proposed outbuilding would appear overbearing or cause any loss of light to this neighbour.

7.4.4 Within the front (south-western) elevation of the proposed outbuilding, a garage door would be inserted and within the eastern flank elevation various fenestration is proposed. Given the ground floor siting of the fenestration and the separation distance to nearest neighbours to the east and south-western boundaries, it is not considered that the proposed fenestration would cause any unacceptable overlooking to neighbouring amenity.

7.4.5 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.

7.5 Amenity Space Provision for future occupants

7.5.1 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.

7.5.2 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.

7.6 Wildlife and Biodiversity

7.6.1 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.

7.6.2 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.

7.6.3 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.

7.7 Trees and Landscaping

7.7.1 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'.

7.7.2 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.

7.7.3 To the front of the dwelling there are a number of protected trees; however, there is ample hard surfacing which could be utilised during construction. Further, the development would be relatively contained towards the western part of the site, away from the trees. As a result, it is not considered that the protected trees would be affected by the proposed development.

7.8 Highways, Access and Parking

7.8.1 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.

7.8.2 Notwithstanding the proposed garage outbuilding, which would have provision for four vehicles, there is existing hardstanding to the frontage with space for at least six cars. Therefore, the parking provision within the application site would be sufficient following implementation of the proposed development.

7.9 Very special circumstances

7.9.1 As part of the application a number of plans have been submitted with the application which, it is assumed, indicate a potential fallback position available to the applicant in the event planning permission is refused. No further explanation has been provided explaining the purpose of these plans and how they relate to the main plans subject of the application. The fallback position relates to the construction of two outbuildings, a flat roofed garage (no more than 2.5m in height) and a large pitched roof outbuilding (no more than 4m in height) but set in from the western boundary by 2m. It is accepted that a fallback position may exist for the applicant; however, any new outbuildings built under permitted development would be far less harmful to the openness of the Green Belt. Additionally, no Certificate of Lawfulness of Proposed Development has been applied for and thus the actual lawfulness of the fallback position has not been determined. Consequently, only limited weight can be given to the fallback position but in any event it would be less harmful.

7.9.2 No other material considerations have been raised by the applicant.

7.10 Planning balance

7.10.1 Notwithstanding the less harmful fallback position, the development would not fall within any of the exceptions listed at paragraph 145 of the NPPF nor would it comply with Policy DM2 of the Development Management Policies LDD. The development would therefore constitute inappropriate development within the Green Belt and also result in harm to openness. No other harm was identified. No very special circumstances have been demonstrated which would outweigh the harm to the Green Belt by reason of its inappropriateness and harm to openness. Accordingly, the development is unacceptable.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

R1 The proposed outbuilding would by virtue of its scale, bulk and height fail to meet any of the exceptions listed at paragraph 145 of the NPPF and would also conflict with Policy DM2 of the Development Management Policies LDD which allows certain ancillary buildings. The development would therefore constitute inappropriate development in the Green Belt, which, by definition, is harmful. There would also be harm to the openness of the Green Belt by reason of the scale of the proposed outbuilding and spread of development across the site. No very special circumstances of sufficient weight have been provided which would outweigh the inappropriateness of the development and the harm to openness. As such, the 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 (2019).

8.1 Informatives:

I1 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 and/or their agent 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.