**12. 16/1168/FUL – Single storey side and rear extensions and loft conversion including increase in ridge height and insertion of front and rear dormers at BURNHAM COTTAGE, DIMMOCKS LANE, SARRATT, WD3 6AP for Mr and Mrs S Ashby**

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| --- | --- |
| Parish: Sarratt | Ward: Chorleywood North & Sarratt |
|  |  |
| Expiry Statutory Period: 8 August 2016  | Officer: Rob Morgan |
|  |
| Recommendation: That planning permission be refused |
|  |
| Reason for consideration by the Committee: Called in by Sarratt Parish Council |

1 **Relevant Planning History**

1.1 16/0665/FUL - Single storey side and rear extensions and loft conversion including increase in ridge height and insertion of front and rear dormers. Withdrawn 13.05.2016.

1.2 16/0052/CLPD - Certificate of Lawfulness Proposed Development: Single storey side extension, two single storey rear extensions, loft conversion including rear dormer and front rooflights and single storey outbuilding to rear. Permitted 04.03.2016, not yet implemented.

1.3 15/2420/PDE - Prior Approval: Single storey rear extensions (depth 8 metres, maximum height 4 metres and eaves height 3 metres). Prior approval not required 30.12.2015.

1.4 15/2119/PREAPP - Single storey rear extension and extensions and alterations to roof including increase in ridge height and front and rear dormers. Response dated 16.10.2015 stating in summary:

*‘I consider that the proposed development would constitute disproportionate additions to the original dwelling and would be inappropriate development in the Green Belt. As such the proposed development would be harmful to the Green Belt. The previous Inspector gave this matter significant weight. Furthermore, I consider that the development would result in a loss of openness and would also be harmful to the Green Belt in this regard. The previous Inspector gave this matter moderate weight. Therefore, I consider that the proposal would be contrary to Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF.’*

1.5 15/0355/FUL - Extensions and alterations to roof to include increase in ridge height, extensions to create crown roof, front and rear dormers and rooflights and single storey rear extension. Refused 20.04.2015 for the following reason:

R1 The proposed development including a raise in ridge height, roof extension to create a crown roof and front and rear dormers would result in disproportionate additions over and above the original building and by reason of its bulk and massing lead to an increase to the prominence of the building within the landscape. The proposal would be detrimental to the open character and appearance of the Metropolitan Green Belt. The proposal would be an inappropriate form of development within the Metropolitan Green Belt and would result in actual harm to the openness of the Green Belt. No very special circumstances exist to outweigh the harm of the development by virtue of inappropriateness and loss of openness of the Green Belt. The proposal 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 NPPF.

 The above application was dismissed at appeal 26.08.2015 with the Inspector concluding:

 *‘I have concluded that the proposed extension would be inappropriate development that would conflict with national and local policy to protect the Green Belt. I have also found that it would give rise to a small loss of openness of the Green Belt, which would be harmful. Although I have concluded that there would be no harm to the visual amenities of the Green Belt, this is not a positive factor weighing in favour of the scheme.*

*There are no other considerations that clearly outweigh the presumption against inappropriate development in the Green Belt and the substantial weight that the [National Planning Policy] Framework requires to be attached to such harm. The very special circumstances necessary to justify the proposal do not, therefore, exist.’*

1.6 14/2162/FUL - First floor extension and two storey rear extension to create Chalet style dwelling with first floor accommodation served by front and rear dormers and Juliet balcony to rear. Refused 30.01.2015 for the following reason:

R1 The proposed development including a significant raise in ridge and eaves height and two storey rear extension to create a chalet style dwelling would result in disproportionate additions over and above the original building and by reason of its bulk and massing lead to an increase to the prominence of the building within the landscape. The proposal would be detrimental to the open character and appearance of the Metropolitan Green Belt and visual amenities of the streetscene. The development would be an inappropriate form of development within the Metropolitan Green Belt and would result in actual harm to the openness of the Green Belt. No very special circumstances exist to outweigh the harm of the development to the openness of the Green Belt. The proposal would therefore be contrary to Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

1.7 11/1987/FUL – New porch. Permitted 29.11.2011.

1.8 09/0300/FUL - Single storey rear extension, conversion of garage into habitable room and alterations to fenestration. Permitted 29.04.2009 and implemented.

1.9 W/894/51 – Bungalow and garage. Permitted 11.12.1951 and implemented.

1.10 W/119/48 – Bungalow and garage. Permitted 29.09.1948, not implemented.

2. **Detailed Description of Application Site**

2.1 The application site is a rectangular shaped plot located on the south-west side of Dimmocks Lane and within the Metropolitan Green Belt. Dimmocks Lane lies within the village of Sarratt and is characterised by detached dwellings set in generously proportioned plots. Most dwellings are bungalows or chalet-style houses of a variety of sizes, styles and designs.

2.2 The application dwelling ‘Burnham Cottage’ was originally a modest sized, T-shaped bungalow with front and rear projecting gables to the south-east side. The dwelling was altered in 2009 with the addition of a substantial flat roofed rear extension (ref: 09/0300/FUL) which projects approximately 1m beyond the original rear gable feature. An integral garage has also been converted into a habitable room.

2.3 A gravel driveway occupies the front of the site with space for in excess of three cars. To the rear of the site is a garden measuring approximately 400sq.m.

2.4 The neighbour to the north-west, ‘Morar’, is a two storey dwelling with a mansard style roof and is set roughly level with the in-stepped front building line of the application dwelling. The neighbour to the south-east, ‘The Conifers’, is a bungalow of similar size and set roughly level with the front and rear building lines of the application dwelling. The Conifers has implemented a rear roof extension to create a half-hip to the rear. The boundary of The Conifers wraps around the rear boundary of the application site.

3. **Detailed Description of Proposed Development**

3.1 This application seeks full planning permission for the erection of single storey side and rear extensions and a loft conversion including increase in ridge height and insertion of front and rear dormers.

3.2 The single storey side extension would measure 1m in width beyond the south-east flank and would be set back from the adjacent front wall by 4m with a depth of 10m. It would have a flat roof measuring 2.5m in height.

3.3 The single storey rear extension would measure 6.3m in depth beyond the deeper rear wall, a maximum depth of 7.3m. It would measure 4.2m in width and would have a gabled roof measuring 4.5m in height.

3.4 The ridge height of the dwelling would be increased by 0.9m to measure 5.9m in height. The hipped roof slope to the south-east would be maintained while the north-west roof slope would be a Dutch-hip with an eaves height of 4.8m. The roof would extend over the existing flat roofed extension by approximately 4.5m.

3.5 The front roof slope would include two dormer windows each measuring 1.6m in width, 2m in height and 2.5m in depth. The rear roof slope would include two linked dormer windows measuring a total width of 6m, height of 2.3m and depth of 2.5m.

3.6 The current application follows the refusal of planning application 14/2162/FUL which was subsequently dismissed at appeal. The officer’s description of the proposed development under 14/2162/FUL is listed below for reference:

 *‘This application seeks full planning permission for a first floor extension and two storey rear extension to create a Chalet style dwelling with first floor accommodation served by front and rear dormers and a rear Juliet balcony.*

 *The existing ridge of the main dwelling would be increased by 1.8m in height, from 4.9m to 6.7m. The existing 2.3m eaves height would be retained to the front and rear with half hips to each side and an increased eaves height to 5m. Two dormer windows would be constructed to the front and rear roof slopes. Each dormer would be identical measuring 2.1m in width, 2.7m in height and 1.6m in depth. The main roof would also be extended over the existing single storey rear extension to create a flat roofed element measuring 3m in depth.*

 *A two storey rear extension measuring 1.45m in depth would be sited to the north-west side of the rear elevation to replace the original rear gable end. The extension would measure 6.3m in height with an eaves height of 3.7m and would measure 4.2m in width. The extension would include a first floor Juliet balcony to its rear facing gable end.’*

3.7 The following table provides a brief overview of the differences between these two applications:

|  |  |  |
| --- | --- | --- |
|   | **16/1168/FUL** | **15/0355/FUL** |
| **Max. width** | 13.2m | 12m |
| **Max. depth** | 21.4m | 15.5m |
| **Max. ridge height** | 5.8m | 6.7m |

4. **Consultation**

4.1 Sarratt Parish Council

4.1.1 Summary: Support the application.

4.1.2 *‘The Parish Council strongly support this application. The proposal to raise the ridge height of the room will enhance the look of the street scene and would not be detrimental to the Green Belt as it would still be below the adjoining properties. The total proposed increase in floor area is also less than the proposed permitted development and would therefore cause less harm to the Green Belt.*

 *If officers are minded to REFUSE this application the Parish Council requests that it is called into committee.’*

4.2 National Grid

4.2.1 No comments received to date.

4.3 Hertfordshire Ecology

4.3.1 No comments received to date.

4.4 Herts & Middlesex Wildlife Trust

4.4.1 No comments received to date.

5. **Neighbour Consultation**

5.1 No. consulted: 4 No. responses: 4

5.2 Site Notice: Posted 28 June 2016 and expires 19 July 2016.

 Press Notice: Not required.

5.3 Summary of Responses:

5.3.1 Comments have been received in support of this application and the previous permitted development scheme which would provide the applicants with the accommodation needed for their family.

5.3.2 The current proposal is less intrusive to neighbours than the permitted development scheme.

5.3.3 Any plans which reduce the sprawl of properties into rear gardens within the Green Belt should be welcomed.

5.3.4 The plans to utilise and remodel the roof space is in keeping with neighbouring properties, more aesthetically pleasing and considerably less of an impact than the approved outbuildings. The use of the proposed footprint would not take up excessive land which is well used by the family; the land used under permitted development scheme take up far too much space.

5.3.5 Development of the dwelling would enable the applicants to remain living in Burnham Cottage and continue to be actively involved in the village community.

5.3.6 When considering the large Mansard roof of Morar on one side and the height of The Conifers on the other side of Burnham Cottage, the small increase in ridge height could only improve the visual appearance of the road.

5.3.7 Several properties have been enlarged and make more of an impact on the street scene.

6. **Reason for Delay**

6.1 Not applicable.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

7.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: CP1, CP9, CP10, CP11 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM2, DM6 and DM13 and Appendices 2 and 5.

7.4 Other

7.4.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

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

7.4.3 Supplementary Planning Guidance 3: Extensions to Dwellings in the Green Belt was formally adopted on 26 April 2004 by the Executive Committee and is relevant to this application.

8. **Analysis**

8.1 Impact on Metropolitan Green Belt

8.1.1 The National Planning Policy Framework (NPPF) 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. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

8.1.2 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF makes it clear that the construction of new buildings is inappropriate in the Green Belt unless the development falls within one of the exceptions listed. The extension or alteration of a building is one such exception, provided that it does not result in disproportionate additions over and above the size of the original building. Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013) reflect the Government guidance within the NPPF.

8.1.3 The NPPF, Core Strategy and Development Management Policies LDD do not define ‘inappropriate development’. However, the 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' provided further explanation of the interpretation of the Green Belt policies of the Three Rivers Local Plan 1996-2011 which 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 up to 40% compared with the original dwelling may not be disproportionate.

8.1.4 In the recent appeal decision at this site (LPA ref: 15/0355/FUL) the Inspector stated that:

 *‘The assessment of whether or not a proposal is a disproportionate addition can be made on the basis of floor space and/or volume, as well as considering the visual increase in the size of the building. It is made on a case-by-case basis, taking account of the specific nature of the site and the precise nature of the proposal.’*

8.1.5 The Inspector continued to assess the appeal scheme relative to the percentage increase in floor space which amounted to just over twice that of the original building and found this increase to constitute *‘a disproportionate extension over and above the size of the original building and would overwhelm its original simple style and design.’*

8.1.6 Fig. 1 below provides the Green Belt calculations for the current scheme compared to the previous application.

 Fig. 1: Percentage Increase in Floor Space

|  |  |  |
| --- | --- | --- |
|  | **16/1168/FUL** | **15/0355/FUL** |
|  | **Floor Space (sq.m)** | **Percentage Increase (%)** | **Floor Space (sq.m)** | **Percentage Increase (%)** |
| **Original dwelling** | 118 | - | 118 | - |
| **Existing extensions** | 39.5 | 33 | 39.5 | 33 |
| **Proposed dwelling** | 238.5 | 102 | 267.5 | 127 |

 8.1.7 Fig. 1 demonstrates that the percentage increase in floor space has been reduced by approximately 25% compared to the appeal scheme but would still amount to over twice that of the original building. The floor space increase would result in disproportionate extensions to the original building and may therefore be considered as inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and a matter to which the Inspector for 15/0355/FUL attached *‘substantial weight’*.

8.1.8 It is accepted that much of the additional floor space would be within the roof of the building. However, this was also the case for the appeal scheme where the Inspector commented:

 *‘The appellants contend that the floor space already exists within an unattractive current roof style. However, I do not agree, as a significant proportion of the proposed roof extension would be above the existing flat roof of the existing extension. Much of the remainder is currently uninhabitable loft space with no natural light and cannot be included in the calculations.’*

8.1.9 The current proposal continues to incorporate significant roof alterations including an increase in ridge height of 0.9m, large first floor extension over the existing flat roofed rear extension and addition of front and rear dormer windows. The first floor accommodation and resulting floor space of the development would therefore continue to be largely contained within the proposed extensions and roof alterations. The percentage increase in floor space is therefore considered to appropriately demonstrate the disproportionate nature of the proposed development.

8.1.10 Furthermore, the ground floor extensions would extend 6.3m beyond the existing single storey rear extension and 7.3m beyond the original rear wall of the dwelling. The depth of the rear extension would therefore amount to approximately half that of the maximum depth of the original building and would exceed the 0.5m depth of the extensions sought under planning application 15/0355/FUL, albeit at a reduced height.

8.1.11 The roof extensions and alterations would also add significantly to the bulk of the building and would continue to involve an increased ridge height, albeit a reduction to the increase previously sought of approximately 0.9m. The roof extension and dormer windows would result in the development at first floor level measuring a depth of around 8m at a height above that of the maximum height of the original building. Thus, the upper bulk and massing of the building would be substantially increased, emphasising the disproportionate nature of the proposed extensions.

8.1.12 Therefore, considering the Inspector’s comments regarding assessment of disproportionate additions, the proposed development would continue to add significantly to the floor space of the building, its bulk and footprint. The development is therefore considered to constitute disproportionate additions to the original building and therefore inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. In dismissing the previous appeal the Inspector stated that *‘this is a matter to which I attach substantial weight’*.

8.1.13 Comments from the Parish Council and neighbours regarding the size of neighbouring properties, the improvement to the aesthetics of the application dwelling in the street scene and the applicants wish to enlarge their home to accommodate their growing family are noted. However, these matters have also been considered by the previous Inspector where it was stated that:

*‘Whilst I accept that the existing dwelling is smaller and less bulky than its neighbours the test set out in the Framework does not allow for comparison with adjoining properties. The assessment as to whether or not an extension is disproportionate has to be made against the size of the original dwelling.’*

*‘I appreciate the appellants wish to enlarge their home to accommodate their growing family. However, these personal circumstances are likely to be short term when compared with the more permanent changes to the size and character of the dwelling. They are not a justification for setting aside national and local policies to protect the Green Belt and therefore carry little weight in my overall consideration of the proposal.’*

8.1.14 With regard to loss of openness, the Inspector concluded that:

*‘the proposal would result in a small loss of openness to the Green Belt, contrary to national and local policy to protect it. This is a matter to which I attach moderate weight.’*

8.1.15 The proposed roof extension, increase in ridge height and addition of front and rear dormers would add significantly to the bulk of the dwelling and a loss of openness at first floor level, particularly to the rear. The loss of openness is therefore considered to result in additional harm to the Green Belt further to the harm identified through inappropriateness. However, it is acknowledged that this is a matter to which the Inspector attached moderate weight.

8.1.16 Overall, the proposed development would result in harm to the Green Belt by virtue of the disproportionate nature of the proposed extensions and alterations and a small loss of openness to the Green Belt. The development should therefore not be approved except in ‘very special circumstances’.

8.1.17 Paragraph 87 of the NPPF states that inappropriate development should not be approved except in very special circumstances and paragraph 88 states that:

 *‘Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.’*

8.1.18 The applicant’s Planning Statement sets out that should planning permission not be granted for the proposed scheme the applicant would implement extensions and outbuildings allowable under the Town and Country Planning (General Permitted Development) Order 2015. A Certificate of Lawfulness has recently been granted on this site (LPA ref: 16/0052/CLPD for ‘Single storey side extension, two single storey rear extensions, loft conversion including rear dormer and front rooflights and single storey outbuilding to rear’. The applicant therefore contends that these extensions provide a fallback position which would result in additional harm in comparison to the current scheme. Case law has established that there only needs to be a reasonable possibility that a fallback position would be implemented for it to be a material consideration.

8.1.19 In terms of floor space increase, the extensions approved under the fallback position would provide a percentage increase of around 93% relative to the original building, a reduction of 9% relative to the current proposals. It is noted that the applicant’s figures submitted with the application differ from those calculated by officers; the applicant contends that the fallback position would provide a percentage increase of 170% or a total of 226.7sq.m compared to the current proposal which would provide 165% or 221.1sq.m of floor space – a difference of 5% between the two schemes. In either event the difference in new floor space is not considered substantial and both the currently proposal and fallback scheme would continue to amount to disproportionate additions to the original dwelling. When considering the disproportionate nature of the additional bulk and massing of the extensions, as discussed in detail below, the reduction in floor space is not considered to outweigh the harm identified to the Green Been through inappropriateness and loss of openness.

8.1.20 The extensions proposed under the fallback position would be single storey additions to the original dwelling with a rear dormer providing first floor accommodation and would constitute subservient additions which would not significantly alter the *‘original simple style and design’* of the dwelling which the previous Inspector specifically referred to. The permitted development extensions require their eaves to be set no higher than the relatively low 2.3m high eaves of the original dwelling and the maximum height of any of the single storey extensions is 4m. The current proposal by virtue of the increase in ridge height, significant rear first floor extension and front and rear dormers would result in a dwelling of much greater bulk than the fallback position. When viewed from the street scene the dwelling would also appear largely unchanged under the fallback scheme. The fallback scheme is therefore not considered to outweigh the harm which has been identified to the Green Belt.

8.1.21 It is acknowledged that the permitted development scheme 16/0052/CLPD also includes an outbuilding measuring 8.5m by 5.5m and 4m in height within the rear garden. While the addition of an outbuilding would add further built form within the application site it does not impact on the disproportionate nature of the proposed extensions to the original building and the associated harm to the Green Belt through inappropriateness. Policy DM2 of the Development Management Policies LDD also states:

 *‘The Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:*

1. *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*
2. *Be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development*
3. *Avoid features normally associated with the use of a building as a dwelling such as dormer windows.’*

8.1.22 While the scale of the outbuilding would be relatively large in relation to the host dwelling, it would be of a similar scale to existing outbuildings within neighbouring properties and significant harm would not occur through a spread of urbanising development. The oubtuilding would not include dormer windows or other features which would give the appearance of a dwelling and has been shown as a garden / play room within the approved plans under 16/0052/CLPD.

8.1.23 The Inspector attached *‘substantial weight’* to the harm caused to the Green Belt by virtue of inappropriateness under the appeal scheme (LPA ref: 15/0355/FUL). The current proposal is considered to result in significant harm to the Green Belt by virtue of inappropriateness and officers consider that substantial weight should also be attached to this identified harm. The NPPF states that very special circumstances will not existing unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is not considered that the fallback position which has been presented by the applicant would clearly outweigh the harm which has been identified.

8.1.24 Consequently, the proposed development is considered to result in disproportionate additions to the dwelling and would result in a small loss of openness to the Green Belt. The harm to the Green Belt has not been clearly outweighed by other considerations and therefore very special circumstances are not considered to exist. The development is therefore contrary to Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF.

8.1.25 Notwithstanding the above conclusions, the applicant has agreed a draft Section 106 Agreement whereby the Owner covenants with the Council not to carry out any new development on the application site which would otherwise be permitted development without first obtaining express planning permission to do so from the Council or, following a refusal by the Council, express planning permission from the Secretary of State following a lodged appeal. The Section 106 Agreement would cease to apply (insofar only as it has not been complied with):

1. Following the refusal of the planning application by the Council and the refusal of planning permission by the Secretary of State on appeal; or
2. Following refusal of the planning application by the Council, the expiry of the period allowed for the lodging of an appeal against the refusal of the planning application with the Secretary of State without such appeal having been lodged; or
3. If, following its grant, the planning permission shall be quashed, revoked or otherwise withdrawn; or
4. If the commencement date has not been adequately initiated before the expiration of the period specified in the planning permission.

8.1.26 The Section 106 Agreement would provide the Local Planning Authority with adequate control over future development within the specified timeframes given the location of the site within the Metropolitan Green Belt.

8.2 Impact on Character & Appearance

8.2.1 Policy CP12 of the Core Strategy relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Appendix 2 of the Development Management Policies LDD sets out design criteria for residential development that aim to ensure that alterations and extensions do not lead to a gradual deterioration in the quality of the built environment.

8.2.2 The application dwelling sits within a relatively mixed street scene comprising both single storey and two storey detached dwellings. The proposed increase in ridge height would not exceed the height of the two adjacent properties. Front dormer windows are commonplace within the street scene and the addition of front dormers is therefore not considered to result in demonstrable harm to the character of the area.

8.2.3 While the resultant bulk of the dwelling created by the proposed rear roof extension would result in a loss of openness within the Green Belt, when viewed against the scale, bulk and mixed design of neighbouring properties it is not considered that the proposed development would have a detrimental impact on the visual amenities of the area. The south-east flank would be extremely deep at approximately 21.5m but would be of a reduced depth relative to the fallback position and the single storey nature of the rear extension would reduce the prominence from the street scene.

8.2.4 It is also noted that the Inspector considered that the previous appeal scheme would not be harmful to the character of the area as *‘the additional bulk and mass of the building would be predominantly towards the rear and there would be minimal effect on the surrounding street scene.’*

8.2.5 Although it is not considered that demonstrable harm would occur to the visual amenities of the street scene or wider area, this does not outweigh the harm to the Green Belt which has been identified above.

8.3 Impact on Residential Amenity

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.'*

8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD 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.

 8.3.3 The proposed rear roof extension with increase in ridge height would not project significantly beyond the existing rear two storey elevations of the adjacent neighbours of Morar and The Conifers and the dwelling would remain lower than each of these dwellings.

 8.3.4 The single storey rear extension would have a substantial 7.3m depth beyond the original rear wall and would be relatively high for a single storey extension at 4.5m in height which would exceed the 4m height of the same extension proposed under the fallback scheme. While it is acknowledged that the single storey rear extension would mostly be off-set from the shared boundary with The Conifers by 1.6m, the significant rear projection of the extension would result in a flank wall reaching depths of around 10m beyond the rear wall of The Conifers. The Design Criteria set out at Appendix 2 of the Development Management Policies LDD states that single storey rear extensions should generally not exceed 4m in depth to detached properties. The proposed extension would significantly exceed this guidance and is considered to result in an oppressive and overbearing form of development, exacerbated by the inclusion of three rooflights in the facing roof slope, which would result in a noticeable reduction in outlook from the rear windows and rear garden of The Conifers. The development would therefore have a significant detrimental impact on the residential amenities of The Conifers.

 8.3.5 In an appeal at Pennyfields, The Green, Sarratt (LPA ref: 14/2240/RSP & Appeal ref: APP/P1940/D/15/3128697) the Inspector found that a similar proposal for a 4.2m deep single storey rear extension which projected a total of 8.2m beyond the rear wall of its neighbour at 1m from the shared boundary would be harmful to that neighbour. The Inspector stated that:

 *‘The proposed extension, which at the nearest point would be only 1m from the shared boundary, would project a further 4.2m from the rear elevation and would include a pitched roof. The additional depth, height and bulk of the proposal would appear prominent from the rear garden and the kitchen window.’*

 *‘The proposal would therefore materially increase the sense of enclosure within the garden and would adversely affect the outlook from the kitchen window. The excessive length of the flank wall and the bulk of the roof would dominate the outlook, making the kitchen/dining room a less pleasant place to be. I consider this to be the case even though the proposal would only be single storey.’*

 8.3.6 It is not considered that the proposed development would result in a loss of privacy to neighbouring properties. The additional windows at first floor level would have outlook into the rear garden or front driveway of the application dwelling with no flank windows proposed at first floor level. Habitable room windows are not proposed at ground floor level, however, it is noted that a large kitchen window would be sited in the flank wall facing The Conifers at 0.6m from the shared boundary. Conditions could be attached to require the flank windows to be obscure glazed to avoid loss of privacy to The Conifers.

 8.3.7 Therefore, the proposed development, by virtue of the excessive depth of the proposed single storey rear extension, would have a significant detrimental impact on the residential amenities of The Conifers and would be contrary to Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.4 Amenity Space Provision

8.4.1 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. Section 3 Amenity Space of Appendix 2 of the Development Management Policies LDD sets out indicative amenity space standards and advises that a four bedroom dwelling should have a minimum of 105sqm amenity space.

8.4.2 The proposed development would retain sufficient space within the rear garden to serve the dwelling.

8.5 Landscaping & Trees

8.5.1 Policy DM6 of the Development Management Policies 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 There are no trees within the application site or close proximity to the proposed development which are of particular visual amenity value and no trees are proposed to be removed as part of the development.

8.6 Highways, Parking & Access

8.6.1 Policy CP10 of the Core Strategy requires development to make adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies LDD set out parking standards and advise that a dwelling with four or more bedrooms should provide three parking spaces.

8.6.2 The application dwelling is served by a large front gravel drive which would be unaffected by the proposed development. The drive has sufficient space to provide three off-street parking spaces which meets the parking requirements for a dwelling of the size proposed.

8.7 Wildlife & Biodiversity

8.7.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

 8.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

 8.7.3 The application has been accompanied by a Local Biodiversity Checklist and an Emergence and Activity Bat Survey (EBS). The EBS states that no bats were found to be utilising the building for roosting purposes, however, bats were passing through the site and neighbouring grounds. A one bat roost was also located in a neighbouring house. The EBS states that no impacts are foreseen by the development going ahead and provides recommendations in the *‘highly unlikely’* event a bat us found at a later date.

 8.7.4 Herts Ecology and the Herts and Middlesex Wildlife Trust have both been consulted on the proposal but, at the time of writing, are yet to provide comments. Members will be fully updated at the Committee meeting.

9. **Recommendation**

 9.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that PLANNING PERMISSION BE REFUSED for the following reasons:

 R1 The proposed extensions and roof alterations, including raise in ridge height, first floor roof extension and front and rear dormers, would result in disproportionate additions over and above the original building and a loss of openness within the Metropolitan Green Belt. The proposal would therefore constitute an inappropriate form of development within the Metropolitan Green Belt. No very special circumstances have been demonstrated to outweigh the harm of the development by virtue of inappropriateness and loss of openness of the Green Belt. The proposal is therefore 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.

 R2 The proposed development, by reason of the excessive depth of the single storey rear extension, would result in an oppressive and overbearing development that would be materially harmful to the living conditions of the occupants of The Conifers, Dimmocks Lane by virtue of significant loss of outlook from rear windows and garden of this property. The proposal is therefore contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

9.2 **Informatives**

 I1 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 has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions, 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.