**8. 16/0709/FUL-Demolition of existing garage and carport and construction of detached double garage and carport and extension to drive at HALF ACRE, COMMONWOOD, SARRATT, KINGS LANGLEY, WD4 9BB for Mr And Mrs R Joslyn.**

◼(DCES)

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| Parish: Sarratt | Ward: Chorleywood North and Sarratt |
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| Expiry Statutory Period: 13 June 2016 | Officer: Lauren Edwards |
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| Recommendation: That planning permission be refused. | |
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| Reason for consideration by the Committee: An adjoining neighbour of the application site is a Councillor. | |

1. This application was originally brought before the Planning Committee meeting held on 26 May 2016. The Committee resolved to defer the application to the June meeting in order to allow the Committee Members to visit the application site, and for amendments to be sought to the scheme to reduce it.
2. The applicants have provided amended plans which would reduce the height of the proposed detached outbuilding by 1m and its width by 1.5m. The amendments also include alterations to the proposed increase in hardstanding to see the replacement of areas of existing hardstanding with soft landscaping. Approximately 100sqm of the existing hardstanding would be replaced with soft landscaping and 55sqm of new hardstanding created to serve the proposed detached garage.
3. The report has been updated to reflect these details.
4. Whilst amendments to the scheme were received it is not considered that these overcome the reasons for refusal as outlined within the previous recommendation, as set out in the analysis below.
5. **Relevant Planning History**
   1. 8/753/87 -Two storey side extension and single storey rear extension -Permitted 09.10.1987
   2. 8/415/92 -Erection of detached garage -Permitted - 20.07.1992
   3. 8/1/93- Erection of dwelling -Refused - 11.03.1993
   4. 98/0388 -Single storey conservatory to rear and pitched roofs in replace of flat roof dormers –Permitted 09.06.1998
6. **Detailed Description of Application Site**
   1. The application site is roughly rectangular in shape and is located on the south eastern side of Commonwood on a relatively spacious plot. The application dwelling is a single storey dwelling with accommodation within the roof served by dormer windows. The dwelling is built of a light brown brick with two front projections and a pitched roof porch.
   2. To the front of the application site is a gravelled driveway with an area laid as lawn. The application dwelling is sited some 55m from the highway.
   3. The application site includes two detached outbuildings to the front. The outbuilding nearest the application dwelling has a pitched roof with open sides and timber hanging to the front gable and provides a car port. The adjacent outbuilding is built of a light brown brick with timber hanging and a pitched roof. This outbuilding serves as a garage.
   4. The application site is located within the Metropolitan Green Belt.
   5. The neighbour to the north (Cherry Trees) is sited forward of the application dwelling on roughly the same land level. This neighbour is a two storey dwelling built of a light brown brick with a cream painted render to the first floor element.
   6. The neighbour to the south west (Barn Cottage) is sited forward of the application dwelling on roughly the same land level. Barn Cottage is a two storey dwelling.
7. **Detailed Description of Development**
   1. The applicant seeks full planning permission for the demolition of the existing garage and carport and the construction of a detached double garage and carport and extension to drive.
   2. The proposed double garage and carport would have a height of 4m, width of 12.2m and depth of 6m. It would have a pitched roof form with a black stained timber boarding to the exterior. It would include an open sided element with a width of 3.2m closest to the dwelling with the rest enclosed and served by oak timber doors to the front elevation.
   3. The outbuilding would be sited forward of the existing detached outbuildings 1m from the boundary with the neighbour to the north (Cherry Trees).
   4. The amendments also include alterations to the proposed frontage of the site to see the replacement of areas of existing hardstanding with soft landscaping. Approximately 100sqm of the existing hardstanding would be replaced with soft landscaping and 55sqm of new hardstanding created to serve the proposed detached garage.
   5. Amended plans submitted during the course of the application have reduced the height and width of the garage and shown alterations the front of the site.
8. **Consultation**
   1. National Grid:

No comments received.

* 1. Landscape Officer: Made the following comments:

*‘I have no objection to the proposed scheme’.*

* 1. Sarratt Parish Council:

No comments received.

* 1. **Neighbourhood**

4.4.1 Number consulted: 5

Number of responses: 0

4.4.2 Site Notice posted 27 April 2016 and expired 18 May 2016

4.4.3 Press Notice: Not required

1. **Reason for Delay**

5.1 Committee cycle.

1. **Relevant Local Planning Policies:**

6.1 National Planning Policy Framework (NPPF)

6.1.1 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.

6.2 The Three Rivers Local Plan Core Strategy:

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

6.3 Development Management Policies LDD:

6.3.1 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.

6.4 Other

6.4.1 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.

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

6.4.3 Supplementary Planning Guidance 3 Extensions to Dwellings within the Green Belt is also relevant.

1. **Analysis**

7.1 Green Belt

* + 1. The application site is located within the Metropolitan Green Belt. The NPPF states at paragraph 79 that:

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

* + 1. Paragraph 87 of the National Planning Policy Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that substantial weight is given to any harm to the Green Belt and that 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.
    2. Paragraph 89 of the National Planning Policy Framework advises that an LPA should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original dwelling; and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The NPPF does not define how ‘disproportionate additions’ or ‘materially larger’ should be assessed.
    3. Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013) reflect the guidance in the NPPF. Policy DM2 of the DMP LDD states that extensions to buildings within the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building’s proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
    4. In terms of ancillary buildings, Policy DM2 of the Development Management Policies LDD details 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*

*iii) avoid features normally associated with the use of a building as a dwelling such as dormer windows.’*

* + 1. Whist the NPPF outlines that replacement buildings may be acceptable within the Green Belt, if they are in the same use and are not materially larger than the building to be replaced, in this circumstance whilst the proposed detached garage would be of a similar height to that of the existing outbuildings with a ridge of 4m in height, it would have a greater width than the two existing outbuildings have cumulatively. The existing outbuildings have widths of 3.5m and 3.2m with a collective width of 7.8m across the site due to the 1.1m separation between them, while the proposed outbuilding would have a width of 12.2m, an increase of 56%. It would have a depth of 6m in comparison to the existing structures which are 5.6m. The proposed garage would have a footprint of 73.2sqm and therefore be 33.6sqm greater than the collective footprint of the existing outbuildings at 39.6sqm, an increase of 85%. As such the proposed outbuilding would be considered to be materially larger than those that would be replaced and the development would not fall within the exceptions to inappropriate development in the Green Belt as outlined in the NPPF.
    2. Approximately 100sqm of the existing hardstanding to the frontage of the site would be replaced with soft landscaping and approximately 50sqm of new hardstanding would be created. Whilst a greater area of soft landscaping would be made than new hardstanding created, this hardstanding would be sited further towards the frontage, away from the main dwelling within the application site. As such there would be some spread of urbanising features across the site which would impact on the Green Belt and which would be contrary to Policy DM2 which outlines that ancillary buildings should be sited in an appropriate location so as not to result in the spread of urbanising development. The need to create additional hardstanding could be indicative of its inappropriate location.
    3. The proposed detached garage would introduce additional built form to the front of the application site therefore spreading development across the site further from the main dwelling. Although it is noted that the car port element at the east of the structure would be open sided this would not mitigate the harm to the openness of the Green Belt by virtue of the introduction of additional built form of a significant scale and size to the front of the application site. Whilst it is also noted that the neighbour to the north (Cherry Trees) has an existing detached outbuilding each site is assessed on its own individual merits and it is noted that the proposed garage would be of a greater scale than the garage at Cherry Trees for which there is no planning history. Commonwood is generally of an open and rural character. The siting of the proposed garage to the east of the neighbouring outbuilding also encloses the spacing between the application site and the neighbouring site further harming the openness of the Green Belt.
    4. In addition to the spread of development across the application site the proposed garage given its scale would not appear subordinate in relation to the main dwelling. The footprint of the main dwelling is approximately 178sqm with the proposed outbuilding having a footprint of 73sqm as opposed to the collective footprint of the existing outbuildings of 39.6sqm. The depth of the proposed outbuilding would also equal that of the maximum depth of the main dwelling. This further exacerbates the prominence of the outbuilding in relation to the main dwelling and the harm resulting to the Green Belt by virtue of its impact on the openness.
    5. Although it is noted that views of the development outside of the site may be relatively limited, in a recent court of appeal judgement (John Turner vs SSCLG and East Dorset Council [2016] EWCA Civ 466) Sales LJ highlighted that “the openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt”. The attribute of the openness of the Green Belt is largely related to the absence of buildings rather than visibility and therefore that development may not be readily visible would not be a very special circumstance to outweigh the substantial weight that harm to the Green Belt by reason of inappropriateness and any additional harm must attract in accordance with Paragraph 88 of the NPPF.
    6. As such whilst amendments have been made during the course of the application, the proposed outbuilding would be materially larger than those it would replace and would be inappropriate development in the Green Belt which by definition is harmful to the Green Belt. There would be further harm to the openness of the Green Belt through the scale and siting of the outbuilding and the urbanising impact of the additional hardstanding. Very special circumstances to outweigh the harm by reason of inappropriateness and the identified harm to the openness of the Green Belt have not been demonstrated. As such, the development would be contrary to Core Strategy Policy CP11, Policy DM2 of the Development Management Policies LDD and the NPPF.

7.2 Design and Impact on the character of the streetscene

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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’ and to ‘conserve and enhance natural and heritage assets’. 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.

7.2.2 The proposed outbuilding would be set back some 30m from the highway of Commonwood. Whilst there are existing outbuildings to the front of the application site the proposed garage would be further forward and of a greater height and scale. Given that the application property is a single storey dwelling with accommodation in the roof given its footprint and depth equal to the maximum depth of the main dwelling the proposed garage would not appear subordinate in relation to the main dwelling. However given that it would be set back from the highway, that there is no consistent building line and Commonwood has a mixed streetscene it is not considered that the proposed outbuilding would appear so unduly prominent in the street scene so as to justify the refusal of planning permission in this respect. However this contributes to the inappropriate nature of the proposed development in terms of its harm to the Green Belt.

7.3 Impact on Neighbours

7.3.1 Policy CP12 of the Core Strategy stipulates that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.3.2 The proposed detached garage and carport would be sited approximately 1m from the neighbour to the north (Cherry Trees). The boundary treatment with this neighbour is a brick wall, although the proposed outbuilding would have a greater height than this wall. Cherry Trees has a detached outbuilding within the front garden with the neighbouring property being set off the boundary by approximately 12m. It is not therefore considered that the proposed outbuilding would result in such a significant overbearing impact or loss of light so as to justify the refusal of planning permission in this respect.

7.3.3 The proposed outbuilding would be sited some 14m off the boundary with the neighbour to the south (Barn Cottage) with this dwelling set approximately 20m off the boundary with the application site. As such given this significant distance it is not considered that the proposed development would result in harm to this neighbour.

7.4 Highway and Parking considerations

7.4.1 Policy CP10 of the Core Strategy requires development to provide a safe and adequate means of access. Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.4.2 The development would replace the existing garage and car port but could provide parking for at least three vehicles within the replacement structure and the hardstanding would provide further parking. There would therefore be adequate parking to serve the dwelling.

7.5 Amenity Space

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. Specific standards for amenity space are set out in Appendix 2 of the DMP LDD.

7.5.2 The development would not result in any additional bedrooms and the application dwelling would retain at least 830sqm of amenity space and as such complies with Policy DM1 and Appendix 2 of the DMP LDD in this respect.

7.6 Trees

7.6.1 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.

7.6.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the application site. Given this and that the Landscape Officer had no objection it is not considered that the proposed development would result in any unacceptable harm to protected trees.

7.7 Biodiversity

7.7.1 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.

7.7.2 Biodiversity protection and protected species are a material planning consideration during the process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.7.3 A biodiversity checklist was submitted with the application and this stated that no protected species or biodiversity factors will be affected as a result of the application. Given that the existing outbuildings would be demolished, an informative on any consent would advise the applicant what to do should bats be discovered during the course of the development.

1. **Recommendation**

**That PLANNING PERMISSION BE REFUSED for the following reason:**

* 1. **Reason**

**R1** The proposed outbuilding would be materially larger than those it would replace and would be inappropriate development in the Green Belt. There would be further harm to the openness of the Green Belt through the scale and siting of the outbuilding and the urbanising impact of the additional hardstanding. No very special circumstances have been demonstrated to outweigh the harm by reason of inappropriateness and the identified harm to the 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.

* 1. **Informative**

**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. Whilst the applicant and the Local Planning Authority discussed the scheme during the course of the application, the proposed development, as amended, fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.