

PLANNING COMMITTEE - (Thursday 22nd February 2024)

23/2183/FUL – Construction of single storey side extensions and relocation of entrance door at Silver Birch Cottage, East Lane, Abbots Langley, Hertfordshire, WD5 0NY

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 27.02.2024

Ward: Leavesden
Case Officer: Lilly Varnham

Recommendation: That PLANNING PERMISSION be GRANTED.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Council Ward Councillor.

To view all documents forming part of this application please go to the following website:

[23/2183/FUL | Construction of single storey side extensions and relocation of entrance door | Silver Birch Cottage East Lane Abbots Langley Hertfordshire WD5 0NY \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/2183/FUL)

1 Relevant Planning History

- 1.1 8/397/79 – Change of Use. Chapel To Residential.

2 Description of Application Site

- 2.1 The application site contains a single storey detached dwelling to the south of East Lane opposite East Lane Cemetery in Abbots Langley. The cottage was previously established for the residents of Abbots Langley Asylum and an earlier cemetery lies to the eastern border of the site. The existing dwelling is formed as a T plan shape with the addition of a conservatory to the southern part of the dwelling where land levels drop towards the rear boundary of the site.
- 2.2 The dwelling has a dark tiled slate roof form, with an exterior finish consisting of a light brown brick mix and a smooth white render. To the front of the dwelling is an existing vehicular access from East Lane onto a gravelled area of hardstanding which extends down the side of the dwelling, there is an existing car port structure within the site frontage which provides an area for parked vehicles. To the rear of the dwelling is large amenity garden predominantly laid as lawn, there are a number of large, detached outbuildings within the rear garden of the application site. It is noted that there is a secondary access to the site frontage from East Lane, whilst the gate remains the area to the rear of the gate (within the application site) is predominantly soft landscaping and does not appear to have been used for vehicular access for some time.
- 2.3 The application site is located within the Metropolitan Green Belt. There are no immediate residential neighbours to the application site.

3 Description of Proposed Development

- 3.1 The application seeks full planning permission for the construction of single storey side extensions and relocation of entrance door.
- 3.2 The proposed extension to the east elevation of the dwelling would extend in line with the existing flank wall serving the existing bed 2 and would infill the current space between this and the current bed 1. This addition would project from the side of the dwelling by approximately 5m and would remain set back from the front elevation by approximately

4.1m. This addition would have a hipped roof form set up to the height of the ridge of the 'central section' of the dwelling and would have a total height of 4.9m with an eaves height that matches the existing. Two windows are proposed within the front elevation of this addition that would match the style and appearance of the existing fenestrations including the brick detailing above the windows.

- 3.3 The proposed extension to the west elevation to serve as the new 'bed 5' would extend in line with the existing flank wall of the dwelling and would project from the side wall by approximately 4.6m, this addition would also remain set back from the front elevation by approximately 6m. This addition would have a hipped roof with a total height of 5m and an eaves height of 3.7m (taken from the lower land level). One window is proposed within the front elevation and one window is proposed within the side elevation, again to match the style and appearance of the existing windows with brick detailing replicated above. This addition would be set down from the main ridge line of the dwelling.
- 3.4 A further addition is proposed to the west elevation to serve as the main entrance to the dwelling, this addition would project from the side of the dwelling by approximately 1.8m and would have a total depth of 3.4m. This addition would also have a hipped roof form with a total height of 4.5m and an eaves height of 3.7m. A new door is proposed within the front elevation to serve as the main entrance to the dwelling.
- 3.5 One rooflight is proposed within the rear roofslope of the main dwelling facing the rear amenity garden.
- 3.6 The proposed extensions would be constructed in brick to match the existing dwelling with clay and feature tiles to match the existing house. The existing ridge detail would be replicated on the ridge line of the proposed extensions.
- 3.7 Amended plans were requested and received throughout the course of the application to reduce the extent of the proposed alterations and to omit the secondary access and increased hardstanding to the site.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: Members have no objections and refer the decision to the TRDC Planning Officer.

4.1.2 National Grid: [No Comments Received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 1 No of responses received: 0

4.2.2 Site Notice Displayed: 09.01.2024, Expires: 30.01.2024.

4.2.3 Press notice published: 12.01.2024, Expires: 02.02.2024

4.2.4 Summary of Responses: [No responses received]

5 Reason for Delay

5.1 No Delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development 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.

Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015). Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003).

7 Planning Analysis

7.1 Impact on Metropolitan Green Belt

7.2 The application site is located within the Metropolitan Green Belt.

7.3 The fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.

- 7.4 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and permanence. With regard to extensions to buildings in the Green Belt the NPPF stipulates that provided extensions or alterations of a building do not result in a disproportionate addition over and above the size of the original building it would not be inappropriate. In appropriate development by definition is harmful to the Green Belt.
- 7.5 The requirements of the NPPF are considered to reflect adopted policies of the Three Rivers District Council Local Plan. Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies document relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The buildings proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
- 7.6 The 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' provides further explanation of the interpretation of Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2 of the Development Management Policies LDD. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As a guide, the SPG advises that extensions resulting in a cumulative increase in floor space of more than 40% compared with the original dwelling may be disproportionate.
- 7.7 Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. However, it states that exceptions to this area:
- a) Buildings for agriculture and forestry;
 - b) Provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
 - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings**
 - d) The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces
 - e) Limited infilling in villages
 - f) Limited affordable housing for local community needs under policies set out in the Development Plan (including policies for rural exception sites) and;
 - g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.

7.8 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering proposals, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

7.9 Green Belt Calculations:

Original Floor Space	Existing Extensions	Existing Percentage	Proposed Extensions	Percentage Increase
140sqm	29.88sqm	21%	37.8sqm	48%

7.10 The proposed extensions to the dwelling represent a cumulative increase of approximately 48% above the original floorspace of the dwelling when considering the existing rear conservatory. This would exceed the guideline of a 40% increase compared to that of the original floorspace of the dwelling within the Metropolitan Green Belt. Notwithstanding the increase in floorspace, it is also important to consider the overall volume, design and bulk of the proposed development when concluding whether the extensions would cumulatively represent disproportionate additions, this analysis is set out below.

7.11 The SPG sets out that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable, with the following exceptions:

i) Dormer windows satisfying 10(c) above, (ie. that they are proportionate to the existing building).

ii) Ground floor conservatories of modest size compared to the house and site, though planning conditions will then be imposed on permissions prohibiting their replacement with more substantial construction.

iii) 'in-fill' extensions (e.g. if the existing building is 'L' or 'U' shaped) which do not increase the apparent bulk of the building.

7.12 The proposed development as amended would largely infill the existing space to the east and west elevation without projecting beyond the established building line, with only the small addition to the west elevation to serve as the new main entrance to the dwelling projecting beyond the existing building line. When viewed in isolation this extension would represent a 4% increase in floor area, with the majority of the additional floor area comprising elements which are viewed to be in-fill. Therefore, when considering existing site circumstances the existing dwelling is considered to be of a modest size, and whilst not traditional infill the application dwelling presents a 'T' shaped form such that the additions would be read against the backdrop of the existing built form of the dwelling, which would not project beyond the existing flank walls on either side such that 'bed 2' and 'bed 5' are not considered to encroach into the Metropolitan Green Belt beyond that of the established building line as above and would therefore not adversely affect openness. As such, it is considered that these extensions would therefore fall within the exception set out in Paragraph 11 (d) (iii) of the SPG and would therefore be considered acceptable.

7.13 In summary, the proposed extensions would not result in disproportionate additions to the host dwelling and are considered appropriate development within the Green Belt. The proposed development would therefore comply with Policy CP11 of the Core Strategy (October 2011), Policy DM2 of the Development Management Policies Document (October

2013) and the Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003) and the NPPF (December 2023).

- 7.14 Design and Impact on Character and Appearance of the host dwelling and wider streetscene.
- 7.14.1 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 'conserve and enhance natural and heritage assets'.
- 7.15 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.15.1 As set out Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. Appendix 2 of the DMP LDD also sets out that single storey side extensions proximity to the flank boundary will be individually assessed.
- 7.15.2 The application dwelling is set back from the highway on East Lane by approximately 15m and is the last residential dwelling that is accessible from this portion of the highway. The rest of East Lane from this location is passable on foot only, despite this it is considered that views of the proposed development would be had from East Lane, the arable fields to the West and Leavesden Country Park. However, it is not considered that the extensions would appear prominent given the spacing that would be maintained to the boundaries.
- 7.15.3 The proposed extensions are largely infill in their nature and subordinate to the host dwelling and the proposed additions would not project beyond the existing flanks with the exception of the small addition to the west to serve as the new main entrance to the dwelling.
- 7.15.4 The proposed development would be set up to the ridge line of the central section of the dwelling but would remain set down from the existing prominent forward projection that served the former chapel of rest which serves as a focal point upon entry to the site. The proposed extensions would not project beyond the flank wall, with the exception of the new main entrance to the west and would remain set back from the front elevation and set off the flank boundaries. Given the spacing maintained to the boundaries and that the additions are subservient to the host dwelling it is not considered that the proposal would result in an incongruous or overly prominent form of development and would therefore not be considered to result in demonstrable harm to the character of the host dwelling or wider streetscene.
- 7.15.5 The proposed alterations would be constructed in materials to match the existing dwelling including brick and clay/feature tiles. The fenestration and ridge details are proposed to be replicated to match those details of the existing dwelling which would respond to the existing character of the host dwelling and retain its appearance within the wider streetscene.
- 7.15.1 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.16 Impact on amenity of neighbours

- 7.16.1 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' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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.
- 7.16.2 The closest residential neighbour to the application site is Farm Cottage, this neighbour does not adjoin the application site boundary and is set over 100 metres from the application site's rear elevation. East of the site is a Cemetery and to the south-east are the former asylum administration structures. The rest of the site is surrounded by arable fields and Leavesden Country Park. In light of the existing site circumstances, it is not considered that the proposed development would result in any harm to the residential amenities of the occupiers of any neighbouring dwelling.
- 7.16.3 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.17 Rear Garden Amenity Space Provision
- 7.17.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.17.2 The application dwelling currently has two bedrooms and a large study, the proposal would increase the number of bedrooms within the dwelling by two to create a four-bedroom dwelling. Following implementation of the development the application site would retain approximately 4482sqm of rear amenity space which would exceed the guidelines set out at Appendix 2 of the DMP LDD. The proposal is therefore considered acceptable in this regard.
- 7.18 Wildlife and Biodiversity
- 7.18.1 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.
- 7.18.2 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.
- 7.18.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.
- 7.19 Trees and Landscaping
- 7.19.1 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.

- 7.19.2 The application site is not located within the Conservation Area. There are however a number of large trees within the application site, none of which appear to be protected by a Tree Preservation Order. The existing trees on site are separated from the area of the proposed development which would be sited on an area of existing hardstanding. As such, it is not considered that any trees would be affected as a result of the proposed development. The proposal is therefore considered acceptable in this regard.

7.20 Highways, Access and Parking

- 7.20.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.20.2 The application dwelling currently has two bedrooms and a large study, and the proposal would seek to increase the provision by two, to create a four-bedroom dwelling. Appendix 5 of the DMP LDD sets out that four or more-bedroom dwellings would require 3 assigned spaces within the dwelling's curtilage. The application dwelling has an existing driveway and a car port with off street parking for more than 3 vehicles, no alterations are proposed to the existing hardstanding and as such the proposal is considered to comply with the above guidelines. As such, the proposal is considered acceptable in this regard.

8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED, subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2337-SK-200B, 2337-SK-201B, 2337-SK-100, TRDC01 (Design & Access Statement)

Reason: For the avoidance of doubt, and in the proper interests of planning and to safeguard the visual amenity and openness of the Green Belt and character and appearance of the area in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

With regard to implementing this permission, the applicant is advised as follows:

- 11 All relevant planning conditions must be discharged prior to the commencement of work.

Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of

equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.