

**ITEM NO:**

Location:           **The Coach House  
Hitchin Road  
Kimpton  
Hitchin  
Hertfordshire  
SG4 8EF**

Applicant:           **Mr R James**

Proposal:           **Erection of residential annexe/store following  
demolition of existing storage shed and garage  
(Amended by plans received 14/08/20)**

Ref. No:              20/01359/FPH

Officer:              **Andrew Hunter**

**Date of expiry of statutory period:**

24 August 2020

**Submitted Plan Nos.:**

13150-S001, 13150-P001-E.

**Extension of statutory period:**

22 September 2020

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the receipt of a valid written opinion of Kimpton Parish Council contrary to the recommendation of the Development and Conservation Manager which has been supported by Ward Member Councillor John Bishop. Details of the objection from Kimpton Parish Council are included in paragraph 3.4 of this committee report. Councillor Bishop responded to the written notification of the representation with the following –

*“Confirm I wish to call this in.”*

**1.0    Site History**

1.1    16/02640/1HH - Single storey rear extension with balcony above and ancillary works following demolition of existing conservatory – Approved 06/12/16.

1.2    13/01943/1HH - Enlargement of one velux window and insertion of hipped gable dormer window to match existing dormer on north facing roof – Approved 04/10/13.

- 1.3 01/00801/1HH - Single storey side extension – Approved 06/07/01.
- 1.4 97/01416/1HH - Detached garage (as variation of planning permission ref 96/1104/1HH granted 14.11.96) – Approved 13/01/98.
- 1.5 96/01104/1HH - Detached garage – Approved 14/11/96.
- 1.6 95/00582/1HH - Detached double garage following demolition of part of boundary wall to provide driveway from existing service road – Approved 25/07/95.
- 1.7 93/00171/1HH – Rear conservatory – Approved 06/04/93.
- 1.8 91/01455/1 - Two storey rear extension and conversion of existing Coach House into single dwelling (approval of design, external appearance and landscaping details) pursuant to outline planning permission ref: 90/0684/1 granted on appeal 15th January 1991 – Approved 06/02/92.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No.2 with Alterations**

- Policy 2 – Green Belt
- Policy 3 – Settlements within the Green Belt
- Policy 5 – Excluded villages
- Policy 28 – House extensions
- Policy 30 – Replacement or extension of dwellings in the countryside
- Policy 33 – Relatives and staff accommodation
- Policy 55 – Car Parking Standards
- Policy 57 – Residential Guidelines and Standards

### 2.2 **National Planning Policy Framework**

- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

### 2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

- SP5 – Countryside and Green Belt
- SP6 – Sustainable transport
- SP9 – Design and sustainability
- SP12 – Green infrastructure, biodiversity and landscape
- SP13 – Historic environment
- T2 – Parking
- HS6 – Relatives and dependents' accommodation
- D1 – Sustainable Design
- D2 – House extensions, replacement dwellings and outbuildings

D3 – Protecting Living Conditions  
NE1 – Landscape  
HE1 – Designated heritage assets

## 2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 02/07/2020      Expiry Date: 25/07/2020

### 3.2 **Press Notice:**

Start Date: 09/07/2020      Expiry Date: 01/08/20

### 3.3 **Neighbouring Properties:**

The following objections (11 in total) were received, primarily from nearby dwellings in Church Lane:

- ☒ Rear gardens and houses in Church Lane are at a much lower level.
- ☒ Removing a beautiful Ash tree is not acceptable.
- ☒ The Ash is large and healthy.
- ☒ Trees must be preserved.
- ☒ Removing the tree contrary to climate crisis.
- ☒ Size of building. Disproportionate and unsympathetic.
- ☒ Contrary to Green Belt policy.
- ☒ Unsympathetic to Conservation Area.
- ☒ Obscure and affect views.
- ☒ Change in use to accommodation.
- ☒ Overlooking.
- ☒ Dominate view.
- ☒ Overbearing.
- ☒ More noise.
- ☒ Loss of habitat.
- ☒ No details of lighting.
- ☒ A smaller building facing the Coach House could be an option.

Following amended plans received on 14/08/20, 5 further objections were received at the time of writing this report, which were on the following grounds:

- ☒ The amended application remains materially the same as the original.
- ☒ Previous concerns remain.
- ☒ Ash tree unacceptably close to the building.
- ☒ Critical root zone would be endangered.
- ☒ Roots of 5 massive veteran trees would be seriously endangered. They are dominant, and local landmarks; and of importance generally.
- ☒ No tree survey has been carried out.
- ☒ The proposed building is a new house.

- ② Suggest a much smaller garden house/bedroom near the family house. This would retain the two present storage sheds and prevent the need for new replacement sheds.
- ② The garage is not a garage as it does not have vehicular access.

### 3.4 **Kimpton Parish Council:**

Kimpton Parish Council considered this application at the meeting held on Wednesday 22nd July and resolved to recommend objection due to the following reasons:

#### 1. Green Belt and Conservation Area

The site is located within both the Green Belt and within a Conservation Area. To allow approval the development would need to be of exceptional quality in its content. We currently see no case has been made by the applicant to justify this.

#### 2. Building Mass

The applicant states in the Design and Access/Heritage Statement 4 a. that the new development is 'similar in size and scale to the existing'. This appears incorrect. From comparison the new development is of over twice the volume and 2 meters higher than the existing. The new development is of over 70m<sup>2</sup> in size, equivalent to a 2-bedroom bungalow. As such it is a significant new development within the Green Belt.

3. KPC and NHDC have adopted a 'climate emergency' policy. Please confirm what the climate impact of the development is and what avoidance of external energy and water usage has been incorporated within the application? There is currently no quantifiable statement within the application. There is no indication of an approach to these matters. No mention is made of providing electric car charging points to either residents or visitors. No mention is made of the energy source for the property.

#### 4. Ecological

The applicant proposes to remove a significant mature ash tree. The Parish Council has received a number of comments from residents strongly against the felling of this tree. The applicant should consider siting the development further to the North to avoid this need.

Following amended plans received on 14/08/20, no further objections were received.

### 3.5 **Statutory Consultees:**

Archaeology – No objections.

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

4.1.1 The site comprises a detached chalet bungalow dwelling with a pitched roof. It has an irregularly-shaped rear garden, with a detached shed and garage in its southernmost section. The west boundary of the site is comprised of trees and vegetation at least approx. 5m high.

4.1.2 The site is on the edge of Kimpton, where there are a small number of dwellings and a church nearby, with the prevailing character being rural. The site is the Green Belt, and a Conservation Area. Listed buildings are to the west.

## 4.2 **Proposal**

4.2.1 Planning permission is sought for the demolition of the existing garage and shed, and their replacement with a single storey building with a pitched roof to be used as a one bedroom annexe.

## 4.3 **Key Issues**

4.3.1 The assessment of this application was made from the documents submitted with the application, photos of the site and surroundings taken by the applicant, information relating to the planning history of the site, and images from Google Maps and Street View.

4.3.2 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision.
- The impact the proposed development would have on trees.

### Principle of Development:

#### *Green Belt*

4.3.3 The site is in the Green Belt in the adopted Local Plan, where only certain types of development are acceptable in principle. If development is not acceptable in principle it will be inappropriate and should not be approved except in very special circumstances. Policy 2 of the adopted Local Plan states that planning permission will be granted for extensions which are appropriate in the Green Belt, and which would not result in significant visual impact. Policy 2 with regard to extensions is considered consistent with the aims of the NPPF.

4.3.4 Policy 30 of the adopted Local Plan states that the Council will normally refuse proposals for the extension of dwellings in the countryside if a materially greater impact would result, of which materially greater is not defined. The proposal is for a new outbuilding that would be ancillary to the main dwelling, however it is considered that the principle of the policy is relevant as it seeks to avoid a materially greater impact than the original dwelling. The policy applies to new outbuildings where they would be viewed as effectively being extensions to the original dwelling.

- 4.3.5 The adopted Local Plan dates from 1996 with relevant Policies saved in 2007, therefore the adopted Plan is relatively old and out of date in some respects to the NPPF. Policies 2 and 30 do however aim to ensure that development maintains the openness of the Green Belt and are given significant weight as they are consistent with the aims of the NPPF section 13 Protecting Green Belt land.
- 4.3.6 The emerging Local Plan (ELP) is at an advanced stage towards adoption, having had Modifications published in November 2018, approval to consult from the Council's Cabinet, and has undergone public consultation. The ELP remains under examination, although it is considered that its policies concerning additions to buildings in the Green Belt can be given significant weight due to their consistency with the NPPF.
- 4.3.7 Policy SP5 of the ELP states that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated. Policy SP5 refers to the 2019 National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 145 and 146.
- 4.3.8 The NPPF is a material consideration, which states in paragraphs 145 and 146 what types of development are not inappropriate. Paragraph 145 includes 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 building*'. The relevant parts of the applicable policies of the adopted Local Plan and the ELP are considered consistent with paragraph 145 of the NPPF.
- 4.3.9 "Original building" in this context is the building as it existed in 1948. The present dwelling is not original, having been extended at single storey level to the side and rear. The garage and shed in the rear garden are also considered to be additions to the original building. Cumulatively, these additions have enlarged the original building by approx. 40%.
- 4.3.10 The proposed annexe building would be larger in all respects than the two outbuildings it would replace, of a similar floorspace to the ground floor of the original dwelling, and of a similar footprint to the original dwelling. In floorspace, the proposed annexe and single storey extensions to the host dwelling would be approx. 55% larger than the floorspace of the original dwelling. The increase in volume would be of a similar proportion. While not small, I do not consider that the total cumulative additions to the original building would be disproportionate. Therefore, I do not consider the proposed development inappropriate in the Green Belt.

#### *Annexe*

- 4.3.11 The Council's policy on residential annexes and whether one would be acceptable is Policy 33 of the 1996 adopted Local Plan. This Policy states that the Council would permit the development proposed if:
1. A genuine need can be shown; and
  2. Its size is small and it is physically related to the existing dwelling, normally by the adaptation or extension of existing accommodation; and

3. Future occupancy is restricted, either to the purpose stated or to that ancillary to the existing dwelling, by condition with any planning permission.

4.3.12 The annexe would provide additional living accommodation ancillary to the main dwelling, and its occupancy would be restricted by condition to be ancillary to the host dwelling, therefore satisfying parts 1 and 3 of Policy 33.

4.3.13 In assessing the annexe under point 2 of Policy 33, the size of the annexe would be small in relation to the main dwelling, and of an appropriate size for ancillary accommodation. The annexe would rely on the host dwelling for access, parking, and access to services and amenity space, therefore I consider it would be physically related to the existing dwelling. Policy 33 does not also preclude a detached annex from being created. The annex is therefore acceptable in principle.

#### Character and appearance:

4.3.14 The annexe would not be a small building, however I consider it would be subordinate to the host dwelling and to the application site. It would be of a more traditional design and appearance with a clay tiled roof and timber boarding, which are considered would be sympathetic to the more sylvan part of the site the annex would be within and to the host dwelling.

4.3.15 The building would be set back from the north and east boundaries of the site and would benefit from being substantially obscured by trees to the west. Due to this, and as the building would be single storey, it would not cause harm to the character and appearance of the street scene and would have limited visibility. Impacts on the significance of the Conservation Area would be considered similarly limited and acceptable, and the setting of listed buildings would not be harmed as the building would be some distance away and obscured by trees therefore it would not be viewed in their context. The design, size and siting of the building is considered acceptable.

#### Impact on Neighbouring Properties:

4.3.16 To the south of the proposed annex is a single storey building within the grounds of a nearby church and used for activities in association with the church. As the annex would be single storey and set away from the church building, I do not consider that any adverse impacts would be caused.

4.3.17 Old Vicarage Cottage is a dwelling to the east, and shares much of the eastern and southern party boundary with the application site. The annex would be sufficiently far from the dwelling Old Vicarage Cottage (OVC) to avoid causing loss of amenity. The annex would be close to the rear garden of OVC, and more visible from it. The adjacent area of rear garden of OVC contains a shed and a smaller outbuilding close to the boundary, and a summerhouse a short distance beyond. The majority of the openings of the summerhouse face away from the proposed building, and views of the curtilage of OVC from the proposed bedroom window would be largely obscured by the shed and summerhouse.

The summerhouse does not have any rear elevation openings that would be directly looked into by the bedroom window. For the above reasons, I do not consider that the annex would result in harm to the amenity of OVC. The Old Vicarage is another dwelling nearby, however this is further to the east and does not adjoin the application site, therefore no loss of amenity would be caused to that dwelling.

4.3.18 The application site adjoins two dwellings and their rear gardens to the west, Nos. 38 and 22 Church Lane. The annex would be close to the boundary, single storey, a maximum height of approx. 2.3m to its eaves and 4.8m to its ridge. It would not therefore be a small building and would be at a higher ground level than the rear gardens.

4.3.19 The ridge would however be approx. 4.7m from the boundaries of the above Church Lane dwellings, with the annex itself being at the ends of the rear gardens of those dwellings. The annex would in addition benefit from substantial screening from trees and vegetation, therefore I do not consider it would appear harmfully overbearing or result in loss of light or amenity to those dwellings. Regarding the objections received, the majority have been addressed elsewhere in this report. Impacts from noise and lighting are considered small and not harmful to amenity. Removal of vegetation would be small and not considered harmful to ecology. Impacts on views are not material planning considerations. It is not considered that the annex would be harmful to residential amenity.

#### Parking:

4.3.20 The proposal would increase the number of bedrooms within the site by one, from three to four. An existing garage would be removed, however this is not accessible by cars therefore it can't be classed as a reduction in parking provision. The annex is considered part of the host dwelling, and under the Council's residential parking standards there is no requirement for a fourth new bedroom to require a new parking space. The dwelling is considered to have at least three parking spaces in its curtilage in front of it, which exceeds the minimum two spaces required, and is acceptable.

#### Trees:

4.3.21 The proposal would be in close proximity to a mature Ash tree, which is protected by reason of being within a Conservation Area, although it does not have a TPO. The tree appears in good health, is mature, has a large canopy, is tall, and appears as one of the largest trees in the locality. In my view the Ash has visual merit and makes a positive contribution to the Conservation Area. The tree is also visible from Hitchin Road, Church Lane, and the grounds of the Parish Church to the south. The Ash is part of a group of trees, however it is clearly the tallest and largest of that group and has visual prominence due to its location on one end and as its canopy leans to the south.



4.3.22 The annexe would be set away from the tree. To ensure the tree would remain protected during construction, an appropriate condition would be imposed requiring its protection. No other trees of significance would be considered to be harmed, therefore the proposal is considered acceptable with regards to impacts on trees.

#### 4.4 **Conclusion**

4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

#### 4.5 **Alternative Options**

4.5.1 None applicable

#### 4.6 **Pre-Commencement Conditions**

4.6.1 No pre-commencement conditions are recommended.

#### 5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### 6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellinghouse known as The Coach House.

Reason: To avoid the creation of a new dwelling contrary to the planning policies applicable to the area and to avoid the occupation of two separate dwellings by persons unconnected with each other as this would result in an unsatisfactory relationship and inadequate standard of amenity for both properties.

4. The adjacent Ash and other trees on the application site shall not be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed, including from construction or excavation works in association with the approved annex, without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.