

<u>Location:</u>	4 Arch Road Great Wymondley Hitchin Hertfordshire SG4 7EP
<u>Applicant:</u>	Mr Shaun Doughty
<u>Proposal:</u>	Erection of office/gym outbuilding adjoining existing garage.
<u>Ref. No:</u>	24/02577/FPH
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

8 January 2025

Reason for delay:

Committee cycles.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of Cllr McDonnell requesting it be determined by the PCC if officers are minded to refuse permission, as set out in 8.4.5 (c) (iii) of the Council's Scheme of Delegation.

The reasons for the call-in request are:

I have looked through this planning application and the previous applications for 4 Arch Road, and I have a few comments which I'll put in bullet points:

- I am surprised that application 16/-1224/1HH was approved given the size of the building, at 8x11. This was significantly bigger than the original property and has a significant impact on greenbelt openness.*
- Moving the building to the west boundary decreases visual impact to the neighbours at number 5 and the openness of the views from both 4 and 5.*
- the build is in line with other development on this stretch of houses on Arch Road and isn't dissimilar to the garage extension of number 3 except for alignment.*
- The build is in character of its surroundings.*
- Given that we are accepting 4 bed homes in new developments, with scope to have a WFH office, I feel that we should be taking this into consideration when dealing with existing home extensions and outbuilding applications. This is consistent with the lifestyle changes we have because of the pandemic.*

If the homeowners don't get permission for this build, they have no other choice but to go with the option of permitted development.

In my opinion it will be more harmful in terms of impact on openness and views. Building on the East boundary will significantly change the character and openness of the property and the views of the Arch Road properties from the surrounding fields.

I would like this considered by PCC so I can put this case before them.

1.0 **Relevant Site History**

1.1 23/02585/FPH - Part two storey and part single storey side extension, replacement flat roof over existing rear extension and front porch canopy. Alterations to fenestration – Refused 01/02/24 for:

1. The proposed development would result in a disproportionate addition over and above the size of the original dwelling. The development would therefore be inappropriate development in the Green Belt. No very special circumstances have been demonstrated to outweigh the harm identified to the Green Belt, including its openness. The development is therefore contrary to Policy SP5 of the North Hertfordshire Local Plan 2011 - 2031 and Section 13 of the National Planning Policy Framework (NPPF).

1.2 16/01224/1HH - Single storey detached outbuilding as garage/workshop – Approved 12/07/16.

1.3 16/00742/1PUD - Single storey detached garage/workshop and music room – Withdrawn 03/05/16.

1.4 95/01301/1HH - Two storey rear extension and front entrance porch – Approved 08/01/96.

1.5 80/00784/1 - Erection of two storey side extension following demolition of existing single storey extension – Approved 19/05/80.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011-2031**

Policies:

SP5 – Countryside and Green Belt

SP9 – Design and sustainability

SP13 - Historic environment

D1 – Sustainable Design

D2 - House extensions, replacement dwellings and outbuildings

D3 – Protecting Living Conditions

HE1 - Designated heritage assets

2.2 National Planning Policy Framework

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Chapter 16 - Conserving and enhancing the historic environment

2.3 Wymondley Neighbourhood Plan – made September 2019

Policies NHE9, GB1, HOD2

3.0 Representations

3.1 **Archaeology** – No comments to make.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The site is a semi-detached two storey dwelling with a pitched roof. The site is part of a small group of other dwellings in a rural area. The site is within the Green Belt, and a Conservation Area.

4.2 Proposal

4.2.1 The erection of a new outbuilding with a pitched roof to the side of the main dwelling, and attached to an existing detached garage, which would be used as a gym/office. The plans also show the installation of new doors to the rear of the garage.

4.3 Key Issues

4.3.1 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.

Principle of Development:

4.3.2 The site is in the Green Belt. Policy SP5 of the adopted Local Plan 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 National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155 (December 2024 version). Wymondley Neighbourhood Plan Policy GB1 also confirms that development proposals must comply with Government Green Belt policy. Para. 155 is not relevant, and the relevant part of 154 is:

154. Development in the Green Belt is inappropriate unless one of the following

exceptions applies:

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;

- 4.3.3 In assessing the proposal against the above criteria, while the proposed outbuilding would not be attached to the host building, it would be attached to a nearby incidental outbuilding, would be close to the main dwelling at approx. 2.7m, and would be for a use incidental to the main dwelling. As such, it's considered that the proposed outbuilding would appear as an adjunct to the main dwelling and would effectively be an extension. 'Original building' is that which existed in 1948, or its original size if built after that.
- 4.3.4 The present building is not original, as set out in the officer report of previously refused application 23/02585/FPH. The report for that application confirmed that the original floorspace was considered to have been 82 m², based on the plans submitted for the 80/00784/1 planning application.
- 4.3.5 At the time of determination of 23/02585/FPH, the existing floorspace was 209 m², which is a 154% increase over the original floorspace of the building. The enlargements proposed under that refused application would have resulted in a further cumulative increase of 234% over the original floorspace.
- 4.3.6 The proposed outbuilding would have a floorspace of approx. 36.7 m², which would cumulatively be an increase of 245.7 m², and would be a percentage increase of 199.6%.
- 4.3.7 While the proposed cumulative enlargement would be smaller than that of the refused 2023 application, the cumulative enlargement of approx. 200% would remain very large. In my view, this cannot be considered as anything other than a disproportionate addition over and above the size of the original building. This is contrary to 154 c) of the NPPF; therefore, the proposal is inappropriate development, and by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.3.8 Previous planning permission 16/01224/1HH was for an outbuilding larger than the present proposed outbuilding, which also included the demolition of the detached garage of No. 4. From that file, it's considered that No. 4 was as large as it is now. The main material consideration that has resulted in a different recommendation being reached compared to the 2016 application is the intervening refused 2023 application, which is more recent and has a more detailed analysis of the evolution of the enlargement of the building and how it relates to Green Belt policy.
- 4.3.9 The additional floorspace that was approved to be added under the 2016 planning permission 16/01224/1HH was 88 m². This application included the demolition of the existing single garage on the SW site boundary – this garage building was considered to have been built after 1948 based on a historic map from 1950, and planning permission 68/00094/N which was for a new detached garage where the present garage is sited.
- 4.3.10 The floorspace figures used to assess the refused 2023 application didn't include the detached garage. Bearing this in mind, the 2016 permission approved a further increase in floorspace from 209 m² to 297 m², which was larger than the 274 m² floorspace refused under the 2023 application.

- 4.3.11 When the 2016 application was approved, there were different material considerations in planning policies. The most significant is that this application was assessed under a previous Local Plan adopted in 1996, which had different Policies relating to proposed development in the Green Belt, being:

Policy 2 - Green Belt

In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.

And

Policy 30: Replacement or Extension of Dwellings in the Countryside

For existing dwellings anywhere in the countryside outside excluded or selected villages, the Council will normally refuse proposals for their replacement or extension if a materially greater impact would result. A landscaping scheme related to the surrounding will be expected. Also extensions will normally be refused if they result in a size, scale and design out of keeping with the original building and give the effect of a new dwelling.

- 4.3.12 What was appropriate in respect of extensions was not defined in the above Policies of the 1996 Local Plan.
- 4.3.13 The 2016 application did not require the same local policy considerations that are the case now and when the 2023 application was refused, i.e. that the Council now has a new adopted Local Plan from November 2022, and Policy SP5 c) and 4.61 state that proposals for development in the Green Belt will be considered against national policy, being the December 2024 NPPF at this time (the key section is stated in 4.3.2 of this report). In addition, Wymondley Neighbourhood Plan was made in September 2019 and this requires that development proposals impacting on Wymondley Parish must comply with Government Green Belt policy.
- 4.3.14 These differences in Policy are considered material in respect of how the present application should be assessed, i.e. to consider whether the proposed addition would be disproportionate, rather than the different policy requirements of the 1996 Local Plan. The proposed outbuilding is therefore considered to cumulatively be a disproportionate addition to the original building. This application should be determined in accordance with the development plan unless material considerations indicate otherwise. An important material consideration is the NPPF. Based on current local and national policies and having regard to the recently refused planning application 23/02585/FPH at the site, it is considered that the planning permission should be refused.

- 4.3.15 The call-in reasons referred to a garage extension at neighbouring dwelling No. 3. The planning history for No. 3 shows that this garage was approved under planning permission 99/01256/1HH, and therefore was subject to different policy considerations as was the case with the 2016 application at No. 4. The permission granted for that garage is not considered a reasonable basis to justify the grant of planning permission for the current proposal at No. 4, contrary to relevant planning policies.
- 4.3.16 The applicant has not put forward a very special circumstances case by reference to material considerations, such as any fall-back position.
- 4.3.17 Whilst the proposed development is considered inappropriate development in the Green Belt and therefore harmful to the Green Belt there would be no substantive conflicts with the five purposes of Green Belts in para. 143 of the NPPF.
- 4.3.18 Wymondley NP Policy GB1 confirms that development proposals should not impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape. The proposed building would be visible from outside the site, clearly from public views from Arch Road to the west. It would result in a further enlargement of the original building to the south and would result in greater coverage of the site by buildings and development. The proposal would therefore result in loss of openness to the Green Belt, spatially and visually. This harm is in addition to harm to the Green Belt by reason of inappropriateness.
- 4.3.19 In conclusion on this matter, the proposal would be inappropriate development in the Green Belt which should not be approved except in very special circumstances (VSC's), as stated in para. 153 of the NPPF. No VSC's have been put forwards by the applicant and are not evident from an assessment of the application. The proposal is therefore unacceptable in principle in the Green Belt location and does not comply with Policy SP5 of the Local Plan, Policy GB1 of the Wymondley Neighbourhood Plan and Section 13 of the NPPF.

Character and appearance:

- 4.3.20 Notwithstanding the above harms to the Green Belt, the proposed outbuilding would be of a size and design that is not considered harmful to the character and appearance of the dwelling and the site and would be integrated adequately with the smaller outbuilding it would be attached to.
- 4.3.21 The outbuilding would be visible in the street scene and adversely affect openness both visually and spatially. However, regarding the impact upon the heritage significance of the conservation area, there would not be harm in that regard. The character of the site is residential, and the proposal would be domestic in appearance. The space between the house and existing garage is not identified as an important open space or view within the conservation area. Therefore, it is considered that the proposal would not be harmful to the significance of the Conservation Area and the character and appearance of the conservation area as a whole would be preserved. Therefore, there would not be any conflict with S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal complies with Policies D1, D2 and HE1 of the adopted Local Plan; and Sections 12 and 16 of the NPPF.

Impacts on Neighbouring Properties:

4.3.22 The proposed outbuilding would be set away from both neighbouring dwellings and would also be obscured by buildings within and outside the site. Therefore, it would not appear overbearing or cause loss of light. The use of the outbuilding is not considered to cause harmful noise or other disturbance. The proposal would not have a significant harmful impact upon the living conditions of occupiers of neighbouring dwelling houses and complies with Policy D3 of the adopted Local Plan and Section 12 of the NPPF.

4.4 **Conclusion**

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

4.5 **Alternative Options**

4.5.1 None identified.

4.6 **Pre-Commencement Conditions**

4.6.1 Not applicable.

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 **REFUSED** for the following reason:

1. The proposed development would result in a disproportionate addition over and above the size of the original dwelling. The development would therefore be inappropriate development in the Green Belt. No very special circumstances have been demonstrated to outweigh the harm identified to the Green Belt, including its openness. The development is therefore contrary to Policy SP5 of the North Hertfordshire Local Plan 2011 – 2031, Policy GB1 of the Wymondley Neighbourhood Plan and Section 13 of the National Planning Policy Framework (NPPF).

Pro-active Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.