

26 September 2006

Our Ref: SRuralCtte/October 2006
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To: The Members of the Southern Rural Committee of North Hertfordshire District Council

(Councillors: D.J. Barnard (Chairman), Tom Brindley (Vice-Chairman), Alan Bardett, John Bishop, Tricia Gibbs, J. Gray, Sal Jarvis, David Miller and Mrs C.P.A. Strong)

You are invited to attend a meeting of the

SOUTHERN RURAL COMMITTEE

to be held at

**COMMITTEE ROOM 1, COUNCIL OFFICES,
GERNON ROAD, LETCHWORTH GARDEN CITY**

on

THURSDAY 5 OCTOBER 2006

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. MINUTES To take as read and approve as a true record the Minutes of the meeting of this Committee held on 24 August 2006.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	-
4. DECLARATIONS OF INTEREST To receive from Members of the Committee any declarations of interest in respect of any business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should leave the room and not seek to influence the decision during that particular item of interest.	-
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from members of the public. Public participation requests received within the agreed time will be notified to Members as soon as practicable.	-
6. NORTH HERTFORDSHIRE HIGHWAYS PARTNERSHIP JOINT MEMBER PANEL DISCRETIONARY BUDGET FOR 2006-2007 AND 2007-2008 <i>Members are invited to review the cost estimates for the surface repairs to roads listed at the meeting of the Southern Rural Committee held on 24 August 2006.</i> <i>This document is under preparation and will be published as soon as possible.</i>	1
7. CHAMPION NEWS REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES <i>A summary of the activities undertaken by the Community Development Officer for the Southern Rural area since the meeting of the Committee held on 24 August 2006 and events taking place in forthcoming months.</i>	3
8. SOUTHERN RURAL COMMITTEE DEVELOPMENT & AREA VISIONING BUDGETS 2006/2007 REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES <i>The current budget balances for the Committee and grant applications from the following organisation:</i> 1. Kimpton Parish Council	5

9.	PLANNING APPLICATIONS	11
	REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	
	<i>Planning applications for determination by the Committee:</i>	
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	6. 12 Claymore Drive, Ickleford	40
	7. Fairhaven Farm, Slip End, Codicote	45
10.	PLANNING ENFORCEMENT UPDATE	51
	REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	
	<i>An oral update for the Committee on the current status of Planning Enforcement cases previously authorised.</i>	
11.	PLANNING APPEALS	53
	ORAL REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	
	<i>An update for the Committee on any Planning Appeals that have been lodged or determined since the meeting of the Committee held on 24 August 2006.</i>	

Future meetings of the Southern Rural Committee will be held on:

16 November 2006
21 December 2006
1 February 2007
15 March 2007
26 April 2007

SOUTHERN RURAL AREA COMMITTEE

5 October 2006

PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

6

TITLE OF REPORT: NORTH HERTFORDSHIRE HIGHWAYS PARTNERSHIP, JOINT MEMBER PANEL – DISCRETIONARY BUDGET FOR 2006-2007 AND 2007-2008

The information requested by the Southern Rural Arera Committee at its meeting held on 24 August 2006 (Minute 33 refers) has yet to be completed and will be published as soon as possible.

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TITLE: CHAMPION NEWS

REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT & CULTURAL SERVICES

1. SUMMARY

- 1.1 To advise the Committee of the activities and schemes with which the Community Development Officer has been involved since the previous Committee meeting.
- 1.2 To bring to the Committee's attention some important community based activities that will be taking place during the next few months.

2. ISSUES – PROJECT/ACTIVITY/SCHEME DETAILS

- 2.1 SummerZone – The programme delivered a number of playshemes, sports courses and 'Out 2 Play' sessions for children aged 5-16 years old across the district from 26th July to 25th August 2006. A full oral update from the Rural Play Project Worker will be given at the Committee meeting.
- 2.2 Cockernhoe Youth Issues – Following the meeting to discuss youth issues in Cockernhoe on 11th July, a follow up meeting took place on 28th September 2006 with Officers from this Council, Hertfordshire Youth Service and Cockernhoe Parish Council to discuss the way forward in the provision of services for young people and to develop a programme of activities for young people which will require volunteer support.
- 2.3 Lilley Young People – A meeting to discuss the needs of the young people will take place at Cassel Memorial Hall on 17th October 2006 at 6.00pm, where Officers from this Council, Hertfordshire Youth Service and Hertfordshire Council for Voluntary Youth Service will be available to offer advice and support to the community.
- 2.4 Ickleford Young Peoples Open Event – Hertfordshire Youth Service and Hertfordshire Council for Voluntary Youth Service have organised the event to take place at the village hall on Saturday 7th October 2006, following the work that the Detached Outreach Team have recently undertaken in Ickleford since April 2006, to discuss the way forward in light of the recent Parish Plan questionnaires returned to the Parish Council focussing on the needs of the young people. Further information can be obtained by contacting Stuart Pittman on 01438 219068, or email: stuart.pittman@hertscc.gov.uk.
- 2.5 Codicote Summit – The first ever event of its type took place in the village on Saturday 23rd September 2006 to engage all the voluntary groups and organisations in identifying current and future key issues and how the community can work together in a cohesive way to benefit all. The CDO and Ward Member will continue to offer advice and support on an on-going basis to ensure a vision and sustainability for the future.

2.6 Local Democracy Week – As part of the engagement of this Council with young people, the first ever ‘Question Time’ event has been arranged on 19th October 2006 from 1.00 – 3.00pm in the Council Chamber at the Council Offices supported by a panel of the Council’s elected Members and other Community leaders, with the questions being provided by the young people from the senior schools across the district to fully participate them in local democracy.

2.7 Parish Challenge/Parish Playground/Parish Enhancement/Cleansing Fund & Parish Amenity Capital Investment Fund (PACIF) 2006/07

These funding programmes were launched in April 2006 to all Parish Councils and other community organisations that would be eligible to apply for grant-aid to their respective projects, with an original closing date for all applications of midday on 31st August 2006. Due to the poor response of applications submitted by this date; and to offer an extended opportunity for all parish based groups and organisations to apply for grant-aid, the deadline has been further extended to Monday 2nd October 2006.

There is approximately £93,000 of available funds for PC/PP/PE&CF to support and sustain the community projects in Rural North Hertfordshire. For further information on all funding, except PACIF, contact Garry Gover on 01462 474674, 07789 033213, or email garry.gover@north-herts.gov.uk

A date is being finalised for all applications for Parish Challenge and PACIF funding programmes to be presented to the Parish Challenge Member Panel in December 2006.

2.8 Grant-aid Publicity – The Council’s Communication & Press Team are maximising the publicity for grant-aid supported by this Area Committee, to ensure the wider community of this district are kept informed of the substantial levels of funding awarded.

2.9 Annual Rural Conference & Community Safety Conference - This was held on Monday 18th September 2006 at the Council Offices. 44 attendees from Parish & Town Councils & Parish Meetings attended. The programme focused on the key rural issues across the district, as well as allowing for networking and general advice sharing.

3. RECOMMENDATIONS

3.1 That the Committee endorses the actions taken by the Community Development Officer to promote greater community capacity and well being for rural communities.

4. CONTACT OFFICERS

4.1 Garry Gover (Community Development Officer – Southern Rural Area)
Telephone: 01462 474674
E-Mail: garry.gover@north-herts.gov.uk

**TITLE: SOUTHERN RURAL COMMITTEE DEVELOPMENT & AREA VISIONING BUDGETS
2006/7**

REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES

1. SUMMARY

- 1.1 To advise the Committee on the current expenditure and balances of the Area Committee delegated budgets.

2. FORWARD PLAN

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

3. ISSUES – FUNDING DECISIONS TO BE MADE

- 3.1 A full report for funding consideration for the support in the provision of additional anti fly-tipping Covert Camera equipment from the Committee's Capital Plant & Equipment Visioning budget will be presented to Members at the Committee meeting on 16th November 2006. In order to ensure that the equipment being proposed is 'fit for purpose', a full and detailed assessment of all appropriate CCTV Covert Camera equipment available on the market is currently being undertaken by the Council's Enforcement team and the CDO, as well as liaison with neighbouring authorities for case study results.
- 3.2 Members are requested to consider a request of £549.00 from the pre-allocated Visioning Revenue Budget for Parish Plans to support Kimpton Parish Council for the costs of producing 1000 CD's for distribution to every household in the parish (Appendix A).
- 3.3 Members should note that the Area Committee Development Discretionary budget for 2006/7 is £30,510 and that £6,300 has been allocated for the Member Discretionary Awards of £700 per Member.
- 3.4 The second tranche of applications will be presented to the Committee on 1st February 2007. The closing date for applications will be 15th December 2006.

4. LEGAL IMPLICATIONS

- 4.1 The Committee has delegated powers to administer funds from the budgets described.
- 4.2 There are no other legal implications pertinent to this report.

5. FINANCIAL AND RISK IMPLICATIONS

- 5.1 Members are asked to note the information detailed in Appendix 2 of the report, which relates to the Area Committee budget balances for the current financial year 2006/7.
- 5.2 The spreadsheet also details the pre-allocations carried forward from the previous financial year 2005/6 to the current financial year 2006/7.
- 5.3 In addition, the spreadsheet includes the balances and past expenditure relating to the allocated Revenue Visioning & Unallocated Capital Visioning Budgets available to the Committee.
- 5.4 The unallocated Members Ward Discretionary budget that must be allocated by 31 March 2007 is £6,300 and is detailed in the Appendix 2.
- 5.5 In recognition of the amount of unallocated underspend from the Area Committee Discretionary budget after the applications for funding from both tranches have been considered, the Community Development Officer will consult with Members ahead of presenting a report for consideration at the Southern Rural Area Committee meeting on 15th March 2007.
- 5.6 The Committee has a total Base Budget of £30,510 to allocate in 2006/7.
- 5.7 The Committee has a total Capital Visioning Budget of £79,600 to allocate in 2006/7. The de-minimis for Capital Plant & Equipment Visioning Funds is £15,000.

6. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 6.1 Consultation with the respective Ward Members will take place in connection with the pre-allocation of funds for community projects for the current financial year 2006/7.

7. RECOMMENDATIONS

- 7.1 The Committee is asked to note the budgetary expenditure, balances and carry forwards from the Ward Development Budgets and the allocated Visioning Budgets.
- 7.2 The Committee is asked to approve the Grant-Aid request of £549 from Kimpton Parish Council from the pre-allocated Visioning Revenue budget in support of 1.000 CD's for distribution of Parish Plans to every household.

8. REASONS FOR RECOMMENDATIONS

- 8.1 The awarding of financial assistance to voluntary and community organisations, schemes and initiatives.

9. APPENDICES

- 9.1 Appendix A – Grant-Aid request from Kimpton Parish Council.
- 9.2 Appendix B – Spreadsheet of Committee Delegated Budgets 2005/6.

10. CONTACT OFFICERS

- 10.1 Garry Gover
Community Development Officer – Southern Rural
Telephone: 01462 474674
E Mail: garry.gover@north-herts.gov.uk
- 10.2 Jodie Penfold
Assistant Accountant Customer Services
Telephone: 01462 474332
E Mail: jodie.penfold@north-herts.gov.uk

SOUTHERN RURAL AREA COMMITTEE BUDGET 2006/2007

Appendix 2

SUMMARY/ TOTALS	Funding	Allocated	Spent	Outstanding	Unallocated Budget				
Revenue Visioning	£23,629	£23,629	£6,493	£17,136	£0				
Capital Visioning	£79,600	£15,000	£0	£15,000	£64,600				
Discretionary Budget 0607	£24,210	£4,594	£2,407	2187	£19,616				
Member Discretionary Budget 0607	£6,300	£100	£0	£100	£6,200				
Preallocated Amounts carried forward from 0506	£4,758	£3,698	£0	£3,698	£1,060				
Visioning & Discretionary Total	£58,897	£32,021	£8,900	£23,121	£26,876				

REVENUE VISIONING	Funding	Year Allocated		Project	Allocated	Date	Spent	Outstanding	Unallocated	Comments
Pre-allocated Budgets Brought Forward from 05/06	£23,080	2005/06		Southern Rural - Village Halls	£990	16.03.06	£0	£990		
Plus £49 underspend on Codicote Parish Council	£49	2005/06		Southern Rural - HAYP Youth Project	£6,000	16.03.06	£6,000	£0		
Plus £500 from re-allocation of Holwell Village Hall Grant	£500	2005/06		Southern Rural - Community Events	£500	16.03.06	£53	£447		
		2005/06		Southern Rural - Lunch Link Up Club	£1,000	16.03.06	£350	£650		
		2005/06		Southern Rural - Volunteers	£1,000	16.03.06	£0	£1,000		
		2005/06		Southern Rural - Parish Plans	£4,150	16.03.06	£0	£4,150		
		2005/06		Southern Rural - Youth Events	£1,500	16.03.06	£90	£1,410		
		2005/06		Southern Rural - Anti Fly-tipping	£8,489	16.03.06	£0	£8,489		
Total	£23,629				£23,629		£6,493	£17,136	£0	

CAPITAL VISIONING SR	Funding	Year Allocated		Project	Allocated	Date	Spent	Outstanding	Unallocated	Comments
Capital Visioning SR	£79,600	2006/07		Scooter & Cycle Transport Solutions (Scoots)	£15,000	13.07.06	£0	£15,000		
	£79,600				£15,000		£0	£15,000	£64,600	

DEVELOPMENT BUDGETS	Funding			Project	Allocated	Date	Spent	Outstanding	Unallocated Amount	Comments
Pre-allocated Funds Brought forward from 2005/2006:	£7,204			Codicote Peace Memorial Hall	£500	02.02.06	£0	£500		
Less underspend of £49 - Codicote Parish Council	-£49			Preston Cricket Club	£1,000	02.02.06	£0	£1,000		
Less projects now spent and completed	-£2,957			Preston Tennis Club	£448	02.02.06	£0	£448		

Less Holwell Village Hall grant re-allocated to Anti Fly-Tipping	-500			Offley Parish Council	£1,000	02.02.06	£0	£1,000		
				Pirton Parish Council	£750	02.02.06	£0	£750		
Youth Projects (CF 0405)	£1,060				0		0	0		£1,060
Base Budget 06/07	£24,210			Holwell Parish Council	£875	24.08.06	£875	£0		
				Gt Ashby Community Group	£500	24.08.06	£0	£500		
				Sticky Mitts Arts & Craft	£687	24.08.06	£0	£687		
				Breachwood Green Village Hall	£525	24.08.06	£525	£0		
				Hexton Parochial Church Council	£507	24.08.06	£507	£0		
				Preston Cricket Club	£1,000	24.08.06	£0	£1,000		
				Knebworth Parish Council	£500	24.08.06	£500	£0		
					£4,594		£2,407	£2,187		£19,616
Member Discretionary Awards £700 per Member	£6,300			Cockernhoe Community Event	£100	25.09.06	£0	£100		
					£100		£0	£100		£6,200
Total	£35,268				£8,392		£2,407	£5,985		£26,876

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 9
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TITLE OF REPORT: PLANNING APPLICATIONS

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Local Government (Access to Information) Act 1985 and Local Government Act 1972

In respect of each of the following reports concerning individual applications for planning permission, Listed Building Consent, the whole of the application file shall be regarded as background papers for the purposes of Section 100(d) of the 1972 Act.

AGENDA INDEX

ITEM:	REF NO:	LOCATION:DESCRIPTION	CONTACT OFFICER:	PAGE:
1.	06/01413/ 1	Land Adjacent, 20 Maydencroft Lane, Gosmore, SG4 Patio/paved courtyard.	John Chapman 01462 474516	13
2.	06/01412/ 1	Gosmore End House, Hitchin Road, Gosmore, SG4 7QH Change of use of garden land to form residential curtilage serving Gosmore End House.	John Chapman 01462 474516	20
3.	06/00962/ 1	2 The Stables, Lilley Bottom Road, Lilley, LU2 8HS Amendment to quadruple garage with log store involving raising of roof height by 1.1m and lowering of ground level by 0.4metres, change of roof design to front elevation from hipped to gable end and insertion of two dormer windows to east and west roof slopes to facilitate storage area in roof (as variation to application no. 05/01290/1 granted 21.11.05).	John Chapman 01462 474516	24
4.	06/00963/ 1HH	1 The Stables, Lilley Bottom, Lilley, LU2 8HS Blockwork and render double garage (as variation to application no. 05/01290/1 approved 21 November 2005).	John Chapman 01462 474516	29
5.	06/01352/ 1HH	17 Ryder Way, Ickleford, SG5 3XN Two storey side and rear extension. Single storey front and rear extensions.	Naomi Gould 01462 474318	34

6.	06/01090/ 1HH	12 Claymore Drive, Ickleford, SG5 3UB Retention of raised roof to first floor rear extension (as variation to application no. 05/01623/1HH granted 23.12.05) (as amplified by drwg no 03 received on 20/07/06).	Victoria Woodbridge 01462 474543	40
7.	06/01599/ 1	Fairhaven Farm, Slip Lane, Codicote Multi purpose training paddock and menage.	Joanne Cousins 01462 474418	45

ITEM NO: 1	<u>Location:</u>	Land Adjacent, 20 Maydencroft Lane, Gosmore, SG4
	<u>Applicant:</u>	Mr D G Garrod
	<u>Proposal:</u>	Patio/paved courtyard.
	<u>Ref.No:</u>	06/01413/ 1
	<u>Officer:</u>	John Chapman 01462 474516

Date of expiry of statutory period : 04 October 2006

Reason for Delay

Committee cycle

Reason for Referral to Committee

Parish Council objection contrary to officer recommendation and associated enforcement issue

1.0 Relevant History

- 1.1 Permission refused in November 1992, and subsequently dismissed at appeal in May 1993 for a detached dwelling with detached double garage on land which includes the application site and other nearby garden land.
- 1.2 Permission refused in March 1995, and subsequently dismissed at appeal in February 1996 for a detached dwelling, detached double garage and 2 parking spaces on land which incorporates the application site and other nearby garden land.
- 1.3 Permission refused in February 2005, and subsequently dismissed at appeal in November 2005 for the erection of two x two bedroom cottages, garaging and parking with access via driveway from Hitchin Road on land which includes the application site and other nearby garden land.
- 1.4 Permission refused in August 2005 but subsequently allowed at appeal in May this year for the retention of an existing greenhouse; the application site being formed by the application site, other nearby garden land and the residential curtilage of Gosmore End House.
- 1.5 At the Southern Rural Committee meeting in December last year it was resolved to take enforcement action against the construction of foundations which coincided with the outline of the dwellings, referred to at paragraph 1.3.
- 1.6 In February this year a Lawful Development Certificate (Proposed) was granted for the erection of a 2 metre high front boundary wall set back at least 1 metre from Maydencroft Lane.

2.0 Policies

- 2.1 **Hertfordshire Structure Plan Review 1991 - 2011**
Policy 5 - Green Belt
Policy 38 - Critical Capital and other Important Environmental Assets

2.2 **North Hertfordshire District local Plan No. 2 with Alterations**

Policy 2 - Green Belt

Policy 3 - Settlements within the Green Belt

Policy 20 - Conservation Areas

3.0 Representations

3.1 **St Ippolyts Parish Council** - "Objection. Land concerned is in a green belt area and there is no building ancillary to it."

3.2 **Local Residents/Press and Site Publicity** - no comments received.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is an area of garden land upon which it is proposed that a patio/courtyard would be constructed measuring 12 metres in length and 7 metres in width. This area coincides with the outline of the proposed paved patio and the easternmost dwelling of the proposed development refused permission on appeal and referred to at paragraph 1.3. Engineering operations have previously taken place on this and adjoining land to form foundations, presumably in preparation for the proposed two dwellings, but prior to the appeal decision being reached upon the two dwellings, although this work has now been covered up and is not now publicly visible. As a result of the foundations being carried out a report was prepared to the December meeting of the Southern Rural Committee last year, and enforcement action authorised as referred to at paragraph 1.5.

4.2 Proposal

4.2.1 The proposal is for an area of garden land with the proposed patio/courtyard measuring 12 metres in depth and 7 metres in width to be used in connection with the residential use of Gosmore End House. The proposed development would be set back approximately 4 metres from Maydencroft Lane and, it is intended, behind the 2m high brick boundary wall referred to at paragraph 1.6.

4.3 Key Issues

4.3.1 The key issues to the determination of this application relate to Green Belt Policy and the impact of the proposed development upon the character and appearance of the Conservation Area.

4.3.2 Insofar as the first issue is concerned this matter has been complicated by the appeal decision letter relating to the greenhouse, referred to at paragraph 1.4, which is reproduced as an appendix to this report.

4.3.3 As Members will recall it was the Council's view that the garden land between Gosmore End House and Maydencroft Lane, not being within any lawfully defined residential curtilage, did not benefit from any residential "permitted development" rights. Accordingly, in the absence of any "very special circumstances" for allowing inappropriate development in the Green Belt permission was refused. Unfortunately, however, the Inspector who determined the subsequent appeal did not address this fundamental policy issue in his decision letter instead commenting that "Government policy in Planning Policy Guidance Note 2 - Green Belts (PPG2) does not seek to prevent the development of small extensions and outbuildings on garden land within the green belt, nor are permitted development rights to erect such structures withdrawn within the green belt." This comment, however, does not reflect advice set out in PPG2.

However, given these comments it must be assumed that the Inspector had erroneously concluded that the appeal site did form part of a residential curtilage, presumably Gosmore End House. I would maintain that whether this land forms part of a residential curtilage could still, however, be open to future challenge should any application be submitted or development be carried out for large outbuildings to be built on this land.

- 4.3.4 Nevertheless, the appeal decision is a material planning consideration to the determination of this application. Thus, given the assumed basis which led the Inspector to his conclusion for granting the greenhouse, and the fact that the patio/paved courtyard would have less impact than the greenhouse upon the openness of the Green Belt, it is not felt that it would be expedient to refuse this application.
- 4.3.5 Insofar as the Conservation Area is concerned having consulted with my colleague on this issue it has been confirmed that there is no objection to the proposed hard surfacing, since it would not harm the character or appearance of the Conservation Area in the context of the garden area within which it is proposed to be located.
- 4.3.6 Finally, should members agree with my recommendation the previous Committee authorisation for this site agreed in December last year is no longer expedient. My further recommendation deals with this issue.

4.4 **Conclusion**

- 4.4.1 Having regard to the appeal decision relating to the nearby greenhouse it is not considered that the patio/paved courtyard would have any greater impact on the locality or harm the openness of the Green Belt. Having regard to these "very special circumstances" there is no sustainable planning reason to refuse permission in this case. In addition, it is not felt that the proposal would harm the character and/or appearance of the Conservation Area.

5.0 Further Recommendation

- 5.1 That no further action be taken with regard to the enforcement action authorised by this Committee, relating to foundations laid on this and adjoining land, at its meeting in December last year.

6.0 Legal Implications

- 6.1 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.

7.0 Recommendation

- 7.1 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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

Reason for Decision

The proposed development is supported by "very special circumstances" to allow a relaxation of the normal Green Belt policy applicable to this site and for this reason complies with the relevant provisions of the development plan, as summarised below:

Hertfordshire Structure Plan Review 1991 - 2011

Policy 5 - Green Belt

Policy 38 - Critical Capital and other Important Environmental Assets

North Hertfordshire District local Plan No. 2 with Alterations

Policy 2 - Green Belt

Policy 3 - Settlements within the Green Belt

Policy 20 - Conservation Areas

ITEM NO: 2	<u>Location:</u>	Gosmore End House, Hitchin Road, Gosmore, SG4 7QH
	<u>Applicant:</u>	Mrs F J Moore
	<u>Proposal:</u>	Change of use of garden land to form residential curtilage serving Gosmore End House.
	<u>Ref.No:</u>	06/01412/ 1
	<u>Officer:</u>	John Chapman 01462 474516

Date of expiry of statutory period : 04 October 2006

Reason for Delay

Committee cycle

Reason for Referral to Committee

Associated Enforcement issue

1.0 Relevant History

- 1.1 Permission granted in September 1998 for a detached house with integral garage following demolition of major part of existing dwelling. (Application no. 98/01099/1).
- 1.2 Permission granted in August 1999 for a detached house with additional conservatory and triple garage with store, as a variation of the permission referred to at paragraph 1.1 (Application no. 99/0794/1).
- 1.3 At the Southern Rural Committee meeting in December last year it was resolved to take enforcement action against the construction of a hardstanding which had been constructed in the northern corner of this site.
- 1.4 A Lawful Development Certificate for the use of land for residential purposes and forming curtilage of Gosmore End House was refused in May this year for the following reason:

"The application site does not correspond with the approved residential curtilage of Gosmore End House, granted under planning permission no. 99/0794/1".

2.0 Policies

- 2.1 **Hertfordshire County Structure Plan Review 1991 - 2011.**
Policy 2 - Green Belt
Policy 38 - Capital Critical and other Important Environmental Assets.
- 2.2 **North Hertfordshire District Local Plan no. 2 with Alterations**
Policy 2 - Green Belt
Policy 3 - Settlement within the Green Belt
Policy 20 - Conservation Areas

3.0 Representations

- 3.1 **St Ippolyts Parish Council** - "no objection"
- 3.2 **Local residents/press and site publicity** - no comments received.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is formed by the lawful residential curtilage of Gosmore End House and other garden land to the north west of the tennis court and hedge screen, which forms the northern boundary of Gosmore End House. To the northern corner of the site two walls have been built under "permitted development" in addition to a hardstand, as referred to at paragraph 1.3.

4.2 Proposal

- 4.2.1 This application seeks permission to extend the residential curtilage of Gosmore End House so as to incorporate land to the north east of its present lawful curtilage.

4.3 Key Issues

- 4.3.1 The key issues to the determination of this application relate to Green Belt policy and the impact of the proposed development upon the character and appearance of the Conservation Area.
- 4.3.2 Insofar as the first issue is concerned I do not consider there is any Green Belt objection to the increase in the size of the residential curtilage of this property, given it formed part of the larger garden land of the original Gosmore End House, now the Nursing Home. However, in order to safeguard the openness of the Green Belt from development which could be erected as "permitted development" it is appropriate to condition the need for planning permission for outbuildings, hardstandings and means of enclosure.
- 4.3.3 Insofar as the second issue is concerned I have consulted with my colleague on this issue who has confirmed that, subject to the removal of "permitted development rights" as set out in my recommendation, no objection is raised to this application.

4.4 Conclusion

- 4.4.1 Having regard to the planning history and lawful use of the site as garden land it is felt that the proposal is supported by "very special circumstances". Furthermore, the proposal would not undermine Green Belt policy objectives, since the incorporation of it into the residential curtilage of Gosmore House and the removal of certain "permitted development" rights would not result in any adverse visual impact upon the openness of the Green Belt. In addition, the proposed development would not harm the character and appearance of the Conservation Area.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Classes E and F of Part 1 and Class A of Part 2 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

Reason for Decision

The proposed development is supported by "very special circumstances" to allow a relaxation of the normal Green Belt policy applicable to this site and for this reason complies with the relevant provisions of the development plan, as summarised below:

Hertfordshire Structure Plan Review 1991 - 2011

Policy 5 - Green Belt

Policy 38 - Critical Capital and other Important Environmental Assets

North Hertfordshire District local Plan No. 2 with Alterations

Policy 2 - Green Belt

Policy 3 - Settlements within the Green Belt

Policy 20 - Conservation Areas

ITEM NO: 3	<u>Location:</u>	2 The Stables, Lilley Bottom Road, Lilley, LU2 8HS
	<u>Applicant:</u>	Mr I Kennedy
	<u>Proposal:</u>	Amendment to quadruple garage with log store involving raising of roof height by 1.1m and lowering of ground level by 0.4metres, change of roof design to front elevation from hipped to gable end and insertion of two dormer windows to east and west roof slopes to facilitate storage area in roof (as variation to application no. 05/01290/1 granted 21.11.05).
	<u>Ref.No:</u>	06/00962/ 1
	<u>Officer:</u>	John Chapman 01462 474516

Date of expiry of statutory period : 21 September 2006

Reason for Delay

Committee cycle

Reason for Referral to Committee

Parish Council objection to height of building contrary to officer recommendation.

1.0 Relevant History

- 1.1 Permission granted in November 2005 for a quadruple garage with log store and attached double carport following demolition of existing workshop and lean-to buildings.

2.0 Policies

- 2.1 **Hertfordshire County Structure Plan Review 1991 – 2011**
Policy 5 - Green Belts
Policy 38 - Critical Capital and Other Important Environmental Assets
Policy 42 - Chilterns Area of Outstanding Natural Beauty
Policy 43 - Landscape Conservation Areas
- 2.2 **North Hertfordshire District Local Plan No 2 with Alterations.**
Policy 2 - Green Belt
Policy 11 - Chilterns Area of Outstanding Natural Beauty
Policy 12 - Landscape Conservation
Policy 16 - Areas of Archaeological Significance and other Archaeological Areas

3.0 Representations

- 3.1 **Lilley Parish Council** - "the original plans should stand. It is not appropriate to raise the roof by 1 metre. It is also not appropriate to put dormer windows in a garage - both would affect neighbouring house's light and view and will also have visual impact entering the village. My Council see no need for dormer windows as storage space above garage could be served by using roof lights, even these should face into the property only. They feel that the garage should stay as originally proposed as its size is perfectly satisfactory for purpose."

3.2 **The Chilterns Conservation Board** - no comments received.

3.3 **Local Residents** - the occupier of "**Chestnut House**", **West Street, Lilley** comments as follows:

"The quadruple garage/log store; we question the need to insert two dormer windows for storage in this construction. Storage areas in a roof do not need this unnecessary further addition. Most buildings find a strip light more than adequate to provide light for such circumstances. Once again we refer to the fact that we are in a landscape Conservation Area and these additions would not positively enhance the landscape, far from it. We would also like to know the special circumstances that this permission would be granted under, if this was the case. Please accept this as our formal objection."

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site includes the dwelling and garden land associated with 2, The Stables, the existing workshop (which is shown on the submitted plan to be removed) and paddock land to the east. To the rear of the site is the property and garden of "Chestnut House"

4.2 Proposal

4.2.1 The proposed development is as set out in the above description. The change to the height of the building and the roof design has been partly carried out, and photographs indicating the present situation will be displayed at the meeting. The insertion of the proposed dormer windows have, however, not been carried out. Plans illustrating the changes to the elevations, between the originally approved plans and the current scheme, will also be displayed at the meeting.

4.3 Key Issues

4.3.1 As with the previous report the key issues to the determination of this application are whether the changes to the proposed garage, when compared to the garage granted as part of the previous permission referred to as paragraph 1.1, would cause any significantly greater visual impact upon the locality having regard to Green Belt Policy objectives and the location of the building with the Chilterns Area of Outstanding Natural Beauty.

4.3.2 In this respect there are three elements to consider; these involve the change to the roof height, the alteration to the roof design to the front of the building and the proposed introduction of dormer windows.

4.3.3 Insofar as the first element is concerned I consider this part to be the least controversial of the three changes proposed. In this respect this height of garage is not unusual, particularly when compared to other garages with storage space above which have been approved elsewhere. In terms of the overall appearance of the building upon the locality I do not consider its height looks out of place when viewed against nearby buildings. The increase in height also causes no significant change to the residential amenities of the neighbouring property.

- 4.3.4 Turning to the second element the change in roof design is more borderline. However, the main public view which is affected by this change is as seen when entering the village from the north east. The change to the appearance of the building is however well screened by existing trees which are situated along the grass verge to the north east. Accordingly, although this change is a retrograde step in terms of the overall bulk and scale of the building its impact upon the overall visual amenities of the locality are limited by the existing trees to the north east and the dwellings known as 1 and 2, The Stables to the south west. This change, affecting only the far side of the building from "Chestnut House", does not alter the residential amenities of this neighbouring property.
- 4.3.5 Finally, insofar as the proposed introduction of dormer windows are concerned members will note both the Parish Council and neighbours comments on this element. I would concur with the view that this part of the application is the most controversial aspect of the development, particularly as the proposed dormer windows to the east elevation would be prominent from public views entering the village. Furthermore, although the proposed dormer windows to the west elevation are less publicly visible nevertheless they combine with those on the other roof slope to increase the scale and bulk of the building when viewed from the entrance to the site. The applicant has sought to argue that the introduction of this form of dormer window has already been accepted in a previously approved scheme for garages to be built alongside 2, The Stables, which was not built. However I would argue that the circumstances of that case were different since the garage building was viewed as part of the overall adjacent dwelling, rather than as a separate building. I therefore do not consider that the existing dormer windows for the dwellings now built, or for previous garages approved but not built, has set a precedent for allowing them to be introduced in this case. Accordingly, I consider that, in the event that the storage area needs to be naturally lit the use of rooflights to the east elevation roof slope only (where there would be no public views) can achieve the applicants objective without having a detrimental impact upon the scale and bulk of the building. As a result the development would then not harm the openness of the Green Belt or the visual amenities of this part of the Chilterns Area of Outstanding Natural Beauty.

4.4 **Conclusion**

- 4.4.1 I consider the increase in the roof height of the building already carried out does not cause any significant harm to the visual amenities of the locality or the residential amenities of "Chestnut House". The change to the roof design from a hipped to a gable end design, whilst a retrograde step in terms of the bulk and scaler of the building, is also acceptable given the limited impact upon public views that this change has caused. However, I consider the introduction of dormer windows to both roof slopes, particularly those in the eastern roof slope would result in a building which would have a detrimental impact upon the scale and bulk of the originally approved building thereby harming the openness of the Green Belt and harming the visual amenities of the Chilterns Area and Outstanding Natural Beauty.

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 permission be **REFUSED** for the following reasons:

The proposed introduction of dormer windows to the eastern and western roof slopes would result in a detrimental impact upon the scale and bulk of the building thereby harming the openness of the Green Belt and the visual amenities of the Chilterns Area of Outstanding Natural Beauty, contrary to Policies 5 and 42 of the Hertfordshire County Structure Plan Review 1991 - 2011 and Policies 2 and 11 of the North Hertfordshire District Local Plan No. 2 with Alterations.

ITEM NO: 4	<u>Location:</u>	1 The Stables, Lilley Bottom, Lilley, LU2 8HS
	<u>Applicant:</u>	Mr I Kennedy
	<u>Proposal:</u>	Blockwork and render double garage (as variation to application no. 05/01290/1 approved 21 November 2005).
	<u>Ref.No:</u>	06/00963/ 1HH
	<u>Officer:</u>	John Chapman 01462 474516

Date of expiry of statutory period : 12 September 2006

Reason for Delay

Committee cycle.

Reason for Referral to Committee

Parish Council objection contrary to officer recommendation.

1.0 Relevant History

- 1.1 Permission granted in 1989 to the barn, which has now been replaced by 1, The Stables, for its change of use to a single storey dwelling for use as a residential annexe.
- 1.2 Permission granted in 1999 to the barn, which has now been replaced by 1, The Stables, for rear dormer windows to facilitate additional bedroom space at first floor and use of property as a self contained dwelling other than in accordance with condition 3 (use as residential annexe) of the permission referred to at paragraph 1.1.
- 1.3 Permission granted in November 2005 for the erection of a quadruple garage with log store and attached double car port following demolition of existing workshop and lean to buildings.

2.0 Policies

- 2.1 **Hertfordshire County Structure Plan Review 1991 - 2011**
Policy 5 - Green Belts
Policy 38 - Critical Capital and Other Important Environmental Assets
Policy 42 - Chilterns Area of Outstanding Natural Beauty
Policy 43 - Landscape Conservation Areas
- 2.2 **North Hertfordshire District Local Plan No 2 with Alterations**
Policy 2 - Green Belt
Policy 11 - Chilterns Area of Outstanding Natural Beauty
Policy 12 - Landscape Conservation
Policy 16 - Areas of Archaeological Significance and other Archaeological Areas

3.0 Representations

- 3.1 **Lilley Parish Council** - "think this is overdevelopment and will have an impact on appearance of village as you approach village. They also feel that the original plan should still stand."
- 3.2 **Local Residents** - the occupier of Chestnut House, West Street comments as follows:

"We question the request to blockwork and render the double carport. The definition of a carport as far as we are aware is 'a shelter for cars, which has a roof and one or more **OPEN** sides, and which can be built against the side of a house/garage. This notwithstanding, the construction proposed does not fall into this category and no longer falls under this definition. In a Landscape Conservation Area, as Lilley is, we believe this additional construction would not positively enhance the landscape as is what is required. The site is also in Green Belt and development should only be granted with special circumstances. We feel a conventional carport, as was originally planned, is more than sufficient for the required purpose. Please accept this as our formal objection."

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site includes the dwelling known as 1, The Stables and land between the garage, subject of the previous report, and paddock land to the east, also owned by the applicant. To the rear of the site is the property and garden of "Chestnut House".

4.2 Proposal

- 4.2.1 The proposal is to erect a double car port, built of blockwork and render, attached to the quadruple garage which is subject of the previous report. The car port would measure approximately 5 metres in width and vary in length between approximately 6.1 metres along its eastern wall and 7.3 metres where it is attached to the adjoining garage. The building is designed with a mono-pitched roof measuring 2.5 metres to its eaves and 3.6 metres where it would tie into the adjoining garage. The building is partly constructed with the rear and side walls largely complete but the roof still to be added.

4.3 Key Issues

- 4.3.1 The key issue to the determination of this application is whether the changes to the proposed garage, when compared to the car port granted previously under the permission referred to at paragraph 1.3, would cause any significantly greater visual impact upon the locality having regard to Green Belt policy objectives and the location of the building within the Chilterns Area of Outstanding Natural Beauty.
- 4.3.2 In this respect although the width of the car port has been increased from 3.75 metres to approximately 5 metres and its height increased from 1.9 metres to 2.5 metres to its eaves and from 2.2 metres to 3.6 metres where it attaches to the garage its length has been reduced from approximately 9.75 metres to between 6.1 metres and 7.3 metres.

4.3.3 In my view the existing and proposed changes do, and would, not result in a building with any significantly greater visual impact on the locality. The change in the dimensions of the building has also not resulted in an overdevelopment of the site, when compared to the approved scheme. The use of a blockwork and render finish garage, as opposed to an open sided timber framed and polycarbonate sheet roofed car port, is to be welcomed since it would be an improvement upon the appearance of the approved building and reduce the visual impact of cars upon the locality, when compared to the views into the open car port which would have resulted from the approved scheme. I also feel that the use of a render and blockwork finish to match both 1 and 2 The Stables and the quadruple garage to the side of this building would result in an improvement in visual amenity terms. Finally, I do not consider the changes to this building would harm the Chilterns Area of Outstanding Natural Beauty.

4.4 **Conclusion**

4.4.1 The changes to the design, appearance and materials of the approved car port would not result in a building with any significantly greater visual impact upon the locality, or reduce the openness of the Green Belt. In addition these changes would not harm the appearance of the Chilterns Area of Outstanding Natural Beauty.

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 carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

2. Before the use of the garage, hereby permitted, a post and rail fence shall be erected along the eastern boundary of the site, which thereafter shall be maintained in this position unless this requirement is dispensed with, in writing, by the Local Planning Authority.

Reason: To enhance the visual amenities of the locality.

3. The garage building hereby approved shall only be used for parking purposes ancillary to the residential use of 1, The Stables.

Reason: To ensure adequate parking provision is available for the occupiers of 1, The Stables.

Reason for Decision

The development, hereby permitted, does not cause any significant visual impact upon the Green Belt in comparison to the previous permission granted under application no. 05/01290/1 or harm the Chilterns Area of Outstanding Natural Beauty and therefore complies with the provision of the development plan, as summarised below:

Hertfordshire County Structure Plan Review 1991 - 2011

Policy 5 - Green Belts

Policy 38 - Critical Capital and Other Important Environmental Assets

Policy 42 - Chilterns Area of Outstanding Natural Beauty

Policy 43 - Landscape Conservation Areas

North Hertfordshire District Local Plan No 2 with Alterations

Policy 2 - Green Belt

Policy 11 - Chilterns Area of Outstanding Natural Beauty

Policy 12 - Landscape Conservation

Policy 16 - Areas of Archaeological Significance and other Archaeological Areas

Policy 55 - Car Parking Standards

ITEM NO: 5	<u>Location:</u>	17 Ryder Way, Ickleford, SG5 3XN
	<u>Applicant:</u>	Mr D Wicklow
	<u>Proposal:</u>	Two storey side and rear extension. Single storey front and rear extensions.
	<u>Ref.No:</u>	06/01352/ 1HH
	<u>Officer:</u>	Naomi Gould 01462 474318

Date of expiry of statutory period : 18 September 2006

Reason for Delay

Committee cycle

Reason for Referral to Committee

Parish Council objection contrary to officer recommendation.

1.0 Relevant History

- 1.1 Planning permission was refused on 11th October 2005 for "Two storey side and rear extension. Single storey front and rear extensions" for the following reasons:
1. The proposed extensions would be unsympathetic to the existing house in bulk, height, form, proportions and design and as a result would present an unacceptably incongruous appearance in the streetscene, to the detriment of the visual amenity of the area. As such the proposals would be contrary to Policies 5 and 28 of the North Hertfordshire District Local Plan no. 2 with Alterations.
 2. The proposed rear balcony would result in a material loss of privacy to the neighbouring properties and as such would seriously detract from the amenities of those properties. As a consequence the proposal would be contrary to the provisions of Policies 28 and 57 of the North Hertfordshire District Local Plan No. 2 with Alterations.

2.0 Policies

- 2.1 **Hertfordshire Structure Plan Review 1991-2011**
Policy 25 – Car Parking and Supplementary Planning Guidance: Parking Provisions at New Development.
- 2.2 **North Hertfordshire District Local Plan No.2 with Alterations.**
Policy 5 - Excluded Villages
Policy 28 - House Extensions
Policy 55 - Car Parking Standards
Policy 57 - Residential Guidelines and Standards

3.0 Representations

- 3.1 **Ickleford Parish Council** - "My council objects to this application and in arriving at this decision it wishes the District Council to take into account the following comments:-
Some reworking of the scheme has taken place and the veranda has been removed making the whole footprint smaller, but we feel that the whole development shows a very considerable enlargement of the property and the Parish Council still has reservations about the scale of the development and its compatibility with the surrounding area."
- 3.2 **Hertfordshire Highways** - Does not wish to restrict the grant of permission subject to the conditions set out in my recommendation.
- 3.3 **Local residents** - No comments received.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The property is a semi-detached house on the west side of Ryder Way.

4.2 Proposal

- 4.2.1 The proposal is for a two storey side and rear extension, which would wrap around the property, and a single storey rear extension, which would infill the gap between the proposed two storey element and the neighbour's rear extension. A single storey front extension is also proposed. The two storey side and rear extension would replace the existing garage.

4.3 Key Issues

- 4.3.1 This application follows pre-application discussions between my officers and the agent and applicant seeking to address the reasons for refusal to the previous scheme, referred to at paragraph 1.1.
- 4.3.2 The key issues in the determination of the application are whether the revised proposal has overcome the reasons for refusal of the previous scheme and as a result whether the proposal has an acceptable impact on the existing house, streetscene, neighbouring properties and highways conditions.
- 4.3.3 The differences between this scheme and the previously refused scheme are that the design of the front and side extension has been amended to reflect the adjoining property's extension by continuing the roof line of the main house, maintaining the existing two storey gable element and setting the two storey extension back slightly from the front wall of this gable element. The proposed two storey part would have hipped roofs, rather than gables. The proposed single storey flat roof rear extension with terrace previously proposed has been removed.

- 4.3.4 I consider the amended proposals have overcome the first reason for refusal and would now be sympathetic to the existing house in bulk, height, form, proportions and design, and thus complies with Policy 28 (House Extensions) of the Local Plan. The proposals reflect the design and scale of the existing extensions on the adjoining property, 19 Ryder Way, which has a part two storey and part single storey side and rear extensions and single storey rear extension (approved in 1997 and 2005). The bulk of the extensions have been reduced by reducing the height and proportions of the proposals by removing the single storey flat roof rear extension and altering the design of the two storey extension and hipping back the roofs. The design has been improved by largely mirroring the design of no. 19 Ryder Way's extensions so that they would be almost symmetrical. As such the proposals relate successfully to the existing pair of semi-detached properties. Thus, the proposal would now be compatible with the maintenance and enhancement of village character, and as such would comply with Policy 5 (Excluded Villages) of the Local Plan.
- 4.3.5 With regard to the Parish Council comments regarding the scale of development the proposals would be very similar in size to that built at 19 Ryder Way. The proposed two storey element at no. 17 would be the same width, but approx. 0.65m deeper at the rear than that at no. 19. The proposed single storey rear element would be approx. 1.45m shallower than that at no. 19.
- 4.3.6 The second reason for refusal has been overcome by the removal of the flat roof single storey extension with terrace. The proposal would not result in a material loss of privacy to the neighbouring properties. The first floor window in the side elevation would serve an ensuite and I have recommended a condition that it be obscure glazed and top vent opening.
- 4.3.7 The proposals would not result in a material loss of light to no. 19, particularly given the positions of their own extensions.
- 4.3.8 In my view the proposals would not result in a material loss of light to no. 15, particularly as the properties are at an angle to each other.
- 4.3.9 The proposal would involve an increase in the number of bedrooms from 2 to 4. The property would have a garage and two spaces in the front garden. The plans indicate that the garden would be re-landscaped to provide two parking spaces. I consider that the conditions recommended by the Highways Authority should be imposed on the planning permission.

4.4 **Conclusion**

- 4.4.1 The proposal would be acceptable in terms of its impact on the existing house, the streetscene, the neighbouring property and highway safety.

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 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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Before any part of the extension, hereby permitted, is first brought into use, the car parking facilities, shown on the approved drawing number DW/3, shall be provided in accordance with the details on that plan and thereafter shall be kept permanently available for the parking of vehicles associated with the property to which this permission relates.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the enlarged dwelling.

5. Before the access is first brought into use 2.0 metre x 2.0 metre pedestrian visibility splays shall be provided and permanently maintained each side of the accesses. They shall be measured from the point where the edges of the access way cross the highway boundary, 2m into the site and 2m along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level.

Reason: To provide adequate visibility for drivers entering and leaving the site.

6. There shall no gates associated with this development.

Reason: The provision of gates would mean that vehicles would obstruct the highway whilst they are opened and closed and interfere with the safe and free flow of all traffic.

7. The garage shall be set back a minimum of 6 metres from the highway boundary.

Reason: To allow a vehicle to be parked within the curtilage of the site without obstructing the highway.

8. The first floor window on the south east elevation (facing no. 15 Ryder Way) of the two storey side extension hereby permitted shall be permanently glazed with obscure glass and permanently fixed with only top vent opening.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

Reason for Decision

The extensions, hereby permitted, would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity of the locality or on highway conditions in the vicinity of the site and, as such, complies with the relevant provisions of the development plan, as summarised below.

Hertfordshire Structure Plan Review 1991-2011

Policy 25 – Car Parking and Supplementary Planning Guidance: Parking Provisions at New Development.

North Hertfordshire District Local Plan No 2 with Alterations

Policy 5 - Excluded Villages
Policy 28- House Extensions
Policy 55 – Car Parking

ITEM NO: 6	<u>Location:</u>	12 Claymore Drive, Ickleford, SG5 3UB
	<u>Applicant:</u>	Mr and Mrs Ilott
	<u>Proposal:</u>	Retention of raised roof to first floor rear extension (as variation to application no. 05/01623/1HH granted 23.12.05) (as amplified by drwg no 03 received on 20/07/06).
	<u>Ref.No:</u>	06/01090/ 1HH
	<u>Officer:</u>	Victoria Woodbridge 01462 474543

Date of expiry of statutory period : 11 September 2006

Reason for Delay

Committee Cycle

Reason for Referral to Committee

Parish Council objection contrary to officer recommendation.

1.0 Relevant History

- 1.1 Permission granted in December 2005 for a first floor rear extension incorporating flat roof dormer window to north elevation and retention of single storey side extension.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No 2 with Alterations**
Policy 5 - Excluded Villages
Policy 28 - House Extensions

3.0 Representations

- 3.1 **Ickleford Parish Council** - comments as follows:
"Overall this is a street of bungalows and although several have had 1st floor extensions, this is perhaps not ideal.
In this case to raise the extension roof height still further seems somewhat unnecessary - added to which the external roof profile would become asymmetrical and less attractive.
The whole thing seems rather cosmetic to us - simply to avoid sloping roofs in the bedroom."

- 3.2 **Local Residents** - letter of objection received from the occupier of 13 Claymore Drive concerned about the following points:-
- extension was not built in accordance with originally approved application and the intention was always to build the extension as now built rather than in accordance with approved plans.
 - the roof of the extension is above the ridge height of the existing house and as the street is a row of bungalows this is out of keeping.
 - lack of compliance with planning laws
 - despite concerns about the extension not being built as approved being reported to the Local Planning Authority work carried on.
 - height of extension has a detrimental impact on 12 Claymore Drive.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The property is a detached bungalow located on the north side of Claymore Drive, set at an angle to the neighbouring properties. The property has a front garden with off street parking and a large rear garden.
- 4.1.2 The dwelling has previously been extended with a single storey side extension constructed in 2005.

4.2 Proposal

- 4.2.1 The proposal is for a variation to the planning permission referred to at paragraph 1.1, albeit that the extension has already been constructed. The variation essentially relates to a different roof from the originally proposed scheme.
- 4.2.2 Two ridges increasing the height of the extension by 0.25 metres and 0.75 metres above the ridge level of the existing dwelling have been built and the eaves of the approved extension are also higher, as a result of a double pitched roof spanning the width of the extension. The eaves height is now approx 5.25m above ground level on the north elevation which faces no. 13.

4.3 Key Issues

- 4.3.1 The principle of the two storey extension is considered acceptable having regard to the previous planning permission. This application, therefore needs to consider whether or not the proposed alterations to the roof design are acceptable under policy guidelines. The work has already been completed and so this application seeks retrospective permission to regularise the situation.
- 4.3.2 The eaves and roof height of the smaller pitched roof, sited adjacent to the boundary with no. 11 are 0.25m higher than originally permitted. Although slightly visible from public views above the ridge of the original dwelling it is my opinion that the development causes no significant harm to the residential amenities of no. 11 or the visual amenity of the street scene.
- 4.3.3 The pitched roof sited adjacent to the boundary with no. 13 is 0.75m higher than originally permitted. Whilst this projection above the ridge height of the main roof has a greater impact upon public views along Claymore Drive I consider that when considered in relation to the extension at no.13 it is not so harmful in comparison as to cause a detrimental impact to the street scene.

- 4.3.4 The roof is hipped back away from no. 13 and so although the wall along this boundary is higher than originally proposed and therefore more dominant visually the orientation and angle at which the two dwellings are sited mean that, in my opinion, the proposal would not impact on the residential amenities of no. 13 to a significant degree.
- 4.3.5 In terms of impact on the street scene, I consider that the extension at no. 13 has changed the form and appearance of that house to an extent that the impact on the development upon the street scene in this case could not justify the refusal of planning permission.
- 4.3.6 Policy 5 (Excluded Villages) states that development should be compatible with the character of the village, I do not consider this proposal harms the village character of Ickleford as many of the bungalows along Claymore Drive have already been extended in various forms and so the original symmetry has already been eroded at this end of Claymore Drive.

4.4 **Conclusion**

- 4.4.1 I consider the roof being hipped away from the neighbouring properties and not extending significantly above the ridge of the dwelling has not resulted in any significant impact on the street scene, when compared to the roof design of no.13, to justify the refusal of planning permission.

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 window at first floor level on the northern elevation of the development hereby permitted shall be permanently fixed with top vent opening only and glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

2. Notwithstanding the provisions of Class A within Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, no windows (other than that/those shown on the approved plan) shall be inserted at first floor level on the northern and southern elevation of the development hereby permitted.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

3. The window at first floor level on the southern elevation of the development hereby permitted shall be located at a sill height of 1.5 metres above internal floor height.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

Reason for Decision

The changes to the first floor rear extension granted permission under planning permission 05/01623/1HH, hereby permitted, would have no adverse effect on the amenities of the neighbouring residential properties or the visual amenity of the locality. In addition the extension would not harm the character of the excluded village of Ickleford and, as such, complies with the relevant provisions of the development plan, as summarised below.

North Hertfordshire District Local Plan No 2 with Alterations

Policy 5 - Excluded Villages

Policy 28- House Extensions

ITEM NO: 7	<u>Location:</u>	Fairhaven Farm, Slip Lane, Codicote
	<u>Applicant:</u>	Fairhaven Farm Enterprises
	<u>Proposal:</u>	Multi purpose training paddock and menage.
	<u>Ref.No:</u>	06/01599/ 1
	<u>Officer:</u>	Joanne Cousins 01462 474418

Date of expiry of statutory period : 01 December 2006

Reason for Referral to Committee

Major application

1.0 Relevant History

- 1.1 An enforcement notice was issued in May 2003 relating to the construction of a barn at the front of the site. A subsequent appeal against this notice was allowed in April 2004. (File reference 01/00123/1ENF).
- 1.2 In July 2004 it was determined that prior approval for an agricultural storage barn, with a floor area of 52.8 sq metres, was not required.
- 1.3 In August 2004 planning permission was granted for stabling and livestock shelters following the removal of existing stabling, storage and livestock shelters.
- 1.4 In August 2006 it was determined that prior approval for a barn for agricultural storage with a floor area of 15 sq metres, was not required.

2.0 Policies

- 2.1 **Hertfordshire County Structure Plan Review 1991-2011**
Policy 5 - Green Belt
- 2.2 **North Hertfordshire District Local Plan No 2 with Alterations**
Policy 2- Green Belt
Policy 13 - Countryside Areas

3.0 Representations

- 3.1 **Site Notice/Statutory Publicity** expiry date 5th October 2006 - any comments to be reported orally at the meeting.
- 3.2 **Codicote Parish Council** - no objections
- 3.3 **Hertfordshire Highways** - do not wish to restrict the grant of planning permission

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises an agricultural holding of 8 hectares located on the southern side of Slip Lane, and on the eastern side of the junction with Plummers Lane, a small side road linking to Sally Deards Lane. The site comprises a group of stabling and livestock shelters within the site and a larger barn to the road frontage, set within grazing land. The site is within the Green Belt.

4.2 Proposal

- 4.2.1 The application seeks planning permission for the construction of a menage 20 metres wide by 40 metres deep (standard size) to the rear/side of the group of outbuildings in the middle of the site. The menage would be surfaced with branded rubber pellets or a similar composition and would be enclosed with 1.35 metre high post and rail fencing. An earth bank approximately 1.2 metres high would be formed to the north and west boundaries of the menage to act as a visual screen. The bank would be grassed with a hawthorn hedge to the top.

4.3 Key Issues

- 4.3.1 The key issue to the determination of this application relates to whether the proposal is acceptable having regard to its location within the Green Belt, in accordance with national and local policy advice, and the impact upon the visual amenities of this locality.
- 4.3.2 The use of land within the Green Belt for the grazing and keeping of horses and small scale equestrian facilities is generally considered appropriate and is supported through central government advice in Planning Policy Statement 7 - Sustainable Development in Rural Areas. It is important however to ensure that such development respects the environment and the locality. In this respect I am satisfied that the location and position of the development proposed is acceptable, being set within the site, in close proximity to the stabling facilities and screened from the main road by existing vegetation. The site would be additionally screened by the proposed bank and hawthorn hedging from any public views
- 4.3.3 In addition I do not consider that the proposal in the location shown would have any significant impact upon the surrounding countryside, but would express concerns relating to any potential flood-lighting here in the future given the green belt location in open countryside

4.4 Conclusion

- 4.4.1 That the proposal complies with Local Plan Policy 2 (Green Belt) and Policy 12 (Landscape Conservation Area) in that the proposal does not impact on the open character of the area or visual amenities of the area. In this instance it would be expedient to impose additional conditions to safeguard the landscaping and finished appearance of the proposal as well as restricting the usage to private purposes only and retain control over potential flood lighting. I have therefore framed a favourable recommendation accordingly.

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 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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

3. Details of materials to be used for the surfacing of the menage hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. The menage, hereby permitted, shall be used solely in connection with the use of the land for grazing and exercising of horses in association with Fairhaven farm and shall not be used for any external commercial purposes.

Reason: To safeguard against an intensification of the use of the land that would be detrimental to the character, appearance of the Green Belt and highway network in the locality.

5. No external lighting to serve the menage hereby permitted shall be introduced at the site, without first being the subject of a formal application for planning permission to the Local Planning Authority.

Reason: To safeguard the rural appearance of the area and the residential amenities of the adjoining property.

6. Notwithstanding the submitted landscaping details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the precise details of the proposed landscaping including planting types and densities.

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

7. The approved details of landscaping shall be carried out before the end of the first planting season following either the first use of the menage or the completion of the development, whichever is the sooner; and any planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

Reason for Decision

The development hereby permitted would have no adverse impact on the open character of the Green Belt or Landscape Conservation Area and as such complies with the relevant provisions of the development plan as summarised below:

Hertfordshire County Structure Plan Review 1991 - 2011

Policy 5 - Green Belt

North Hertfordshire District Local Plan No.2 with Alterations

Policy 2 - Green Belt

Policy 13 - Countryside Areas

ITEM A	<u>Location:</u>	20 Oxford Road, Breachwood Green, SG4 8NP
	<u>Subject:</u>	Container in side garden
	<u>Ref.No:</u>	06/00111/1ENF
	<u>Officer:</u>	Sue Cawthra - Senior Planning Compliance Officer

1.0 Purpose of Report

- 1.1 To seek authorisation from the Committee for the Planning Control and Conservation Manager to take enforcement action in respect of unauthorised development in the side garden at 20 Oxford Road, Breachwood Green.

2.0 Background

- 2.1 In April 2006 a complaint was received regarding a container located in the side garden. A site visit by my Compliance Officer revealed that the container is a moveable structure, which the owner of the property stated he required temporarily for storage purposes in connection with a proposed extension. The owner advised that he intended to submit a planning application for the proposed extension. A letter was sent to the owners of 20 Oxford Road explaining that the temporary structure should be removed if a planning application for an extension was granted and once the building work had finished. If the container was replaced with a permanent structure or retained permanently then it would require planning permission because it is sited closer to a highway than the dwelling house.
- 2.2 A further complaint was received that the container was still on site and investigation by my compliance officer revealed that a planning application had still not been received for the proposed extension. A letter was sent to the owners on 12th June advising that as no planning application had been received for an extension and no building works were taking place, that the container could no longer be considered as temporary and should therefore be removed or a planning application for its retention be submitted within 28 days. It was explained to the owner that the matter would be reported to Committee seeking authorisation for enforcement action should this not happen. The owner stated in a telephone conversation that it was still his intention to apply for planning permission for the proposed extension and that the container was still required in connection with the proposed extension for storage purposes.
- 2.3 To date no planning application has been submitted for the proposed extension nor for retention of the container and the storage container remains on site in breach of planning control.

3.0 Considerations

- 3.1 In deciding whether it is expedient to take enforcement action, the main consideration, in my view, is that the container by reason of its materials and its siting in a visually prominent position at the junction of Oxford Road and Pasture Lane undermines Green Belt policy objectives and harms its openness. It therefore constitutes "inappropriate development" and no "very special circumstances" have been put forward by the owner of the property to justify the continued siting of the container.
- 3.2 The unauthorised structure has been on site for more than 28 days and is not used in conjunction with authorised building works. Therefore it does not fall within permitted development under The Town and Country Planning (Permitted Development) Order 1995 and would require planning permission.

4.0 Conclusions

- 4.1 The container constitutes inappropriate development in the Green Belt.

5.0 Legal Implications

- 5.1 The Town and Country Planning Act 1990 provides the Local Planning Authority with the power to issue and serve an Enforcement Notice to bring about the removal of the unauthorised development.

6.0 Recommendations

- 6.1 That the Committee authorises the Planning Control and Conservation Manager, subject to the Assistant Director - Legal and Democratic Services being satisfied with the evidence, to issue and serve an Enforcement Notice to bring about the removal of the storage container, with a time for compliance of 28 days. The reason it is expedient to do so being that the container constitutes "inappropriate development" in the Green Belt that harms its openness.

Background Papers

Planning Enforcement File: 06/00111/1ENF

Contact Officer

Sue Cawthra - Senior Planning Compliance Officer

TITLE OF REPORT: PLANNING ENFORCEMENT - UPDATE

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

This report will be in the format of an oral presentation on the current status of Planning Enforcement cases previously authorised.

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TITLE OF REPORT: PLANNING APPEALS

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

This report will be in the format of an oral presentation.

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