

6 March 2007

Our Ref: SRuralCtte/March 2007
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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 15 MARCH 2007

at

7.30 pm

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 1 February 2007.	-
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. PLANNING APPLICATIONS REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL <i>Planning applications for determination by the Committee:</i> 1. Green Farm, Law Hall Lane, Bendish SG4 2. 11 Deards End Lane, Knebworth, SG3 6NL	1 3 19
7. PLANNING APPEALS 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 1 February 2007.</i>	25

8. **SOUTHERN RURAL CHAMPION NEWS** 27
REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND
CULTURAL SERVICES

This report is 'to follow'

9. **SOUTHERN RURAL COMMITTEE DEVELOPMENT & AREA** 29
VISIONING BUDGETS 2006/2007
REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND
CULTURAL SERVICES

This report is 'to follow'

The next meeting of the Southern Rural Committee will be held on:

26 April 2007

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 6
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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.	06/02538/ 1	Green Farm, Law Hall Lane, Bendish, SG4 Reduction of gradient at existing entrance, installation of hardstanding area and replacement of existing gates (Site 2). 3 bar wooden fencing, for length of 25 metres, along West End Lane boundary (Site 3). (as amended by plans received 3.1.07, 15.02.07 and 02.03.07).	John Chapman 01462 474516	3
2.	06/02386/ 1HH	11 Deards End Lane, Knebworth, SG3 6NL Development A: Detached covered swimming pool. Development B: Two storey side extension with two front and rear flat roof dormer windows.	Victoria Woodbridge 01462 474543	19

ITEM NO: 1	<u>Location:</u>	Green Farm, Law Hall Lane, Bendish, SG4
	<u>Applicant:</u>	Mr B Batchelor
	<u>Proposal:</u>	Reduction of gradient at existing entrance, installation of hardstanding area and replacement of existing gates (Site 2). 3 bar wooden fencing, for length of 25 metres, along West End Lane boundary (Site 3). (as amended by plans received 3.1.07, 15.02.07 and 02.03.07).
	<u>Ref.No:</u>	06/02538/ 1
	<u>Officer:</u>	John Chapman 01462 474516

Date of expiry of statutory period : 05 March 2007

Reason for Delay

Committee cycle

Reason for Referral to Committee

Parish Council objection to development on sites 2 and 3 contrary to officer recommendation.

1.0 Relevant History

- 1.1 Permission granted in June 2004 for a 1.8 metre high brick wall to replace existing boundary fence and post and 3 rail fence to replace existing boundary fencing.
- 1.2 Permission was refused on 1st September 2006 for the retention of vehicle access for emergency vehicles and associated hardstand, following the application being reported to the Southern Rural Committee meeting on 24th August 2006, for the following reasons:

1) The proposed application for a permanent access, required in connection with the use of the site for events, is likely to generate a significant increase in the amount of traffic using the rural roads in the vicinity. This would be prejudicial to general provisions of highway safety and convenience and contrary to Policy 29 of Hertfordshire County Structure Plan Review 1991 to 2011.

2) The new access as submitted does not comply with the County Council's Roads in Hertfordshire, A Guide for New Developments due to its close proximity to an adjacent junction and as such would result in an unsatisfactory form of development.

At this meeting authorisation to take enforcement action to bring about the closure of the vehicular access, by the erection of a post and rail fence and hedge planting, was agreed for the two highway reasons set out above.

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 12 - Landscape Conservation Area

Policy 13 - Countryside Area

Policy 20 - Conservation Areas

3.0 Representations

3.1 **St. Pauls Walden Parish Council** - I have reproduced their original comments and those upon the subsequently revised application as Appendices 1 & 2 to this report. I have also reconulted them upon the revised description of development and will report their further comments orally at the meeting.

3.2 **Local residents/Site publicity notice** - the occupiers of **Willow Corner, Rose Cottage, West End Farm, Ramblers Cottage, Chapel Row, 1,2,4,5 & 6 Law Hall Lane, 1,3,4 & 5 New Cottages, Bendish House, Pickerings Cottage, White Cottage, Law Hall Cottage, Greyfell, 2, New Road Cottage, Jubilee Chapel and Keepers Cottage** have objected to the application as originally submitted and revised on 3rd January 2003 on the following grounds:

- The existing lawful access is adequate to serve events in the paddock (as recently demonstrated when approx 30 cars attended a private event) and therefore the unauthorised access, which would cause an unacceptable safety hazard given its close proximity to West End Lane, is not necessary.
- Events will still take place, which do not require a Licence, involving traffic volumes inappropriate to the locality and over which the Council will have no control.
- Although the retention of the unauthorised access is stated as being for personal use the site is still be advertised on his website for events.
- Loss of hedgerow.
- Harm to Conservation Area and local amenity.

I have renotified all local residents, who were consulted upon the original and subsequently revised application, of the revised description of development and will update my report orally at the meeting to advise members of any further comments relating to the revised development.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The site is on the north east edge of the small and quiet hamlet of Bendish and is a paddock situated to the rear of the residential curtilage of Green Farm. The area is characterised by narrow rural roads with ditches either side and mature hedgerows.

4.2 Proposal

- 4.2.1 As originally submitted and subsequently revised the application included the retention of the unauthorised vehicular access referred to at paragraph 1.2. for personal use. However, as a result of the recommendation by Hertfordshire Highways to this part of the application the application was initially amended (copy of applicants letter attached as Appendix 3) to propose a pedestrian access and subsequently amended to close the unauthorised means of access with a 1.4metre high post and rail fence set back 4 metres from the highway (copy of applicant's letter attached as Appendix 4).
- 4.2.2 This application therefore involves two elements; firstly the reduction of the gradient at the entrance from the existing authorised access to the paddock, the installation of a hardstand area and the replacement of existing gates and secondly the construction of a 3 bar wooden fence for a length of 25 metres along the boundary with West End Lane.

4.3 Key Issues

- 4.3.1 The key issues to the determination of this application relate to the impact of the development upon the character and appearance of the Conservation Area and the residential amenities of neighbouring properties.
- 4.3.2 Insofar as the first issue is concerned, I have taken into account the permission referred to at paragraph 1.1 and consulted with my Conservation Officer colleague upon the originally submitted scheme who stated:

" Site 1 is at a considerable distance from and does not impact on the setting of the listed house and relates to a part of the site within the conservation area that has a general open rural character. As part of this, the proposed introduction of a traditional field gate would respect and hence preserve the character and appearance of the conservation area.

Site 2 has the same considerations as the above. Small area of hard surfacing are introduced to field entrances so this is unobjectionable in conservation terms.

Site 3 is at an even greater distance from Green Farmhouse. There is already fencing comparable with the proposed in this location. In this context, the proposed replacement fencing will be following the existing character of this rural lane. The application does not refer to any replacement planting along the fence line. Given that hedging is the predominant roadside character of the lane , I would ask that suitable planting replace the trees that are removed.

Overall, this proposal is acceptable in conservation terms because it will respect the rural character of all the positions around the site. The works will not affect the setting of the listed building and they respect and so preserve the character and appearance of the locations within the conservation area in compliance with the objectives of Policy 20 of the District Local Plan."

- 4.3.3 I would concur with the above comments insofar as the development at Sites 2 and 3 are concerned. Furthermore, I do not consider any trees worthy of a preservation order would be removed to facilitate the proposed fence on site 3. In response to the comment relating to replacement planting at Site 3 this is covered by condition 3 of my recommendation.

4.3.4 Turning to the second issue I do not consider that the proposals would have any significant impact upon or harm the residential amenity of any neighbouring property. Accordingly there are no sustainable planning grounds to object to the development proposed.

4.4 **Conclusion**

There are no sustainable planning reasons to object to the proposed development. As a result I consider permission should be granted to the development, as identified as sites 2 and 3 on the submitted plans.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, 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. Prior to the erection of the post and rail fence along the West End Lane frontage details of replacement hedgerow planting and a maintenance schedule shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the planting shall be carried out and the hedgerow maintained in accordance with the approved details.

Reason: To safeguard the character and appearance of the Bendish Conservation Area.

Reason for Decision

The proposed development hereby permitted is not considered to have any adverse impact on the character or appearance of the Bendish Conservation Area or the amenities of any neighbouring residential property and, as such, 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 12 - Landscape Conservation Area

Policy 13 - Countryside Area

Policy 20 - Conservation Areas

ITEM NO: 2	<u>Location:</u>	11 Deards End Lane, Knebworth, SG3 6NL
	<u>Applicant:</u>	Mr and Mrs K Wall
	<u>Proposal:</u>	Development A: Detached covered swimming pool. Development B: Two storey side extension with two front and rear flat roof dormer windows.
	<u>Ref.No:</u>	06/02386/ 1HH
	<u>Officer:</u>	Victoria Woodbridge 01462 474543

Date of expiry of statutory period : 28 December 2006

Reason for Delay

Committee Cycle

Reason for Referral to Committee

Parish Council objection to detached covered swimming pool contrary to officer recommendation.

1.0 Relevant History

- 1.1 Planning permission (ref 99/01415/1HH) was granted in 1999 for a rear conservatory, two storey side extension to incorporate double garage following demolition of existing, replacement swimming pool following demolition of existing garden and sauna room.
The two storey side extension and rear conservatory have been constructed but the swimming pool building has not been.

2.0 Policies

- 2.1 **Hertfordshire 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 5 - Excluded Villages
Policy 20 - Conservation Areas
Policy 28 - House Extensions

3.0 Representations

- 3.1 **Knebworth Parish Council** - "objects to the proposed swimming pool being built on green belt land. It has concerns about the proposed two storey side extension".
- 3.2 **Local Residents** - no representations received

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The property is a large detached property sited on a spacious plot with an area of garden which extends around the rear gardens of nos. 9, 11a and 15 Deards End Lane. The dwelling is of a size typical of Deards End Lane. To the front boundary there is mature planting with entrance gates. The property is well screened from public view.
- 4.1.2 The property has a mansard roof with dormer windows, the previous extension has respected this style and relates well to the main dwelling.

4.2 Proposal

- 4.2.1 The proposal is for a two storey side extension which would provide a double garage with living accommodation above. The existing integral garage is to be converted to additional living accommodation, although this element does not require planning permission. The proposed extension would be set back from the existing front elevation by 4.8m and would project 6.1m to the side. The extension would, therefore be a minimum of 1.5m from the boundary with no. 11a. The extension would have a mansard roof with dormer windows of identical design to those in the main dwelling.
- 4.2.2 In addition a detached swimming pool building is proposed which would be sited at the rear of the garden behind the garden of no. 9. The building would include a swimming pool, plant room and changing area. The dimensions of the building would be 18.7m by 10m with a height of 5m at the ridge height.

4.3 Key Issues

- 4.3.1 The main considerations relating to this application are the potential impact of the proposals on the Conservation Area, the residential amenities of neighbouring properties and, insofar as the swimming pool building is concerned, the appropriateness of the development within the Green Belt.
- 4.3.2 Consideration of the application is finely balanced having regard to comments received from the Conservation Officer, the objection from Knebworth Parish Council and relevant policy advice in the North Hertfordshire District Local Plan No.2 with Alterations.
- 4.3.3 With regard to the two storey side extension, whilst it is agreed that the property has already been substantially extended it has not, in my opinion, exceeded the scale of development appropriate for the plot. In addition Deards End Land is characterised by large detached dwellings. The proposed extension is set back from the existing front elevation and for this reason is clearly subservient to the main dwelling. There is mature planting to the side and front boundaries and considering the distance from the boundary of no. 11a (approx 15m) it is my opinion that the proposed extension would not harm the residential amenities of the neighbouring property.
- 4.3.4 Considering the mature planting to the front boundary, the mature tree to be retained in front of the extension and its siting it might be argued that the extension would not have any adverse impact on the visual amenity of the street scene or the appearance and character of Deards End Lane.

- 4.3.5 However, following consultation with Conservation on this application they have raised objection to the two storey side extension 'infilling' the area between the existing dwelling and the boundary of no. 11a. In this respect they comment:

"Proposed House extension

The scheme proposes converting the existing integral garages into a family room and introducing replacement garages within the proposed two storey side extension which is set back from the front of the house. Although the impact of the extension is reduced by being recessed and only partially repeats the height of the existing roof detailing it is considered that the scheme will result in a proportionally excessive width to the house and the resultant loss of the open area to the side of the building will be detrimental to its spatial setting within the garden area which is a fundamental characteristic of housing within Deards End Lane Conservation Area. The extension is therefore unacceptable in its present form.

Covered Swimming Pool

The design of the pool building is at best unpretentious but limited. Set at the end of the garden the low form of the structure will not impact visually on the surrounding area and is considered acceptable."

- 4.3.6 Having regard to this advice it is considered that the proposed extension would be harmful to the character and appearance of the Conservation Area and would be an unsympathetic addition to the dwelling. For these reasons it is contrary to Policy 20 and 28 of the North Hertfordshire District Local Plan with Alterations.
- 4.3.7 With regard to the detached swimming pool building although the rear part of the garden, where this building would be sited, is within the Green Belt it nevertheless forms part of the residential curtilage of the dwelling. Policy 2 of the North Hertfordshire District Local Plan states that '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'.
- 4.3.8 It is considered that the proposed building, being ancillary to the main dwelling in its use would not be inappropriate within the Green Belt. The design, dimensions and siting of the building are such that they would not, in my opinion, result in an unduly dominant building which would harm the openness of the Green Belt. I would conclude that the building is unlikely to have a significant visual impact on the Green Belt.
- 4.3.9 The position of the building is such that when viewed from the open fields to the rear of the dwelling it would be seen against no. 9. The building is minimal in height and is sited on the very edge of the Green Belt within an existing built settlement, there is screening to the rear boundary of the site which would screen the building from wider view. It should also be noted that the previous planning permission for a detached swimming pool building was of similar proportions, and although closer to the main dwelling, was considered acceptable.

4.4 **Conclusion**

Having regard to the lack of material planning objection to the proposed swimming pool building, there is no reason to refuse this part of the development. However, given the objection to the proposed two storey side extension it is recommended that a split decision, granting permission to the swimming pool building but refusing the two storey side extension, is appropriate.

6.0 Recommendation

Development B: Two storey side extension with two front and rear flat roof dormers windows be **REFUSED** for the following reasons:

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 Development A: Detached covered swimming pool 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. The approved materials shall be implemented on site.

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

Reason for Decision

The extension and detached swimming pool building, hereby permitted, would have no adverse effect on the amenities of the neighbouring residential properties, the visual amenity of the locality or the character and appearance of the Conservation Area and, as such, complies with the relevant provisions of the development plan, as summarised below.

Summary of Development Plan Policies and Proposals relevant to the Decision:-

Hertfordshire Structure Plan Review 1991-2011

Policy 5 - Green Belt

North Hertfordshire District Local Plan No 2 with Alterations

Policy 2- Green Belt

Policy 5 - Excluded Villages

Policy 20 - Conservation Areas

Policy 28- House Extensions

Development B: Two storey side extension with two front and rear flat roof dormers windows be **REFUSED** for the following reasons:

The proposed two storey side extension by reason of its siting and close proximity to the northern boundary of the site would adversely affect the openness, space around and the landscape setting of the dwelling to the detriment of the character and appearance of the Deards End Lane Conservation Area and therefore fails to comply with the objectives of Policy 20 of the North Hertfordshire District Local Plan No 2 with Alterations.

The height and form of the proposed extension would unbalance the architectural form of the existing dwelling and as a result it would be unsympathetic to the architectural character and appearance of the dwelling contrary to the objectives of Policy 20 and 28 of the North Hertfordshire District Local Plan No 2 with Alterations.

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No.
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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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