

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01823/FPH	Erection of detached rear garden room to facilitate gym/sauna/workshop	22 Blackmore Way Blackmore End St Albans Hertfordshire AL4 8LJ

Submitted Plan Nos

23-SPE-000 24-SPPT-000 24-P-501 24-P-502

D1	Sustainable design
D2	House exts, replcmnt dwellings outbuild
D3	Protecting living conditions
SP1	Sustainable development in North Herts
SP9	Design and Sustainability
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding

2.0 **Site History**

- 2.1 06/02158/1HH - Two storey front extension and single storey side extension. Projection of part of existing front roof slope to form study, lobby and cloakroom at ground floor level and insertion of gable end dormer window in resultant roof slope to form additional bedroom. Construction of 2.6 metre high wall projecting forward of existing side (western) wall of dwelling. **Conditional Permission.**
- 2.2 07/01090/1HH - Two storey front extension. Projection of part of existing front roof slope to form study, lobby and cloakroom at ground floor level and insertion of gable end dormer window in resultant roof slope to form additional bedroom. Construction of 2.6 metre high wall projecting forward of existing side (western) wall of dwelling. Detached double garage to front garden. **Withdrawn.**
- 2.3 16/02480/1HH - Single storey rear extension, front bay window extension and replacement first floor front extension. Roof extension incorporating a rear rooflight and two rear and one side dormer windows to facilitate loft conversion.

Conditional Permission.

2.4 19/01239/FPH - Single storey rear extension with balcony above following demolition of existing conservatory. **Conditional Permission.**

2.5 23/01993/FPH - Erection of detached rear garden room to facilitate gym/sauna/workshop
Refused.

2.6 24/00828/FPH - Erection of detached rear garden room to facilitate gym/sauna/workshop
Refused.

3.0 **Representations**

3.1 **Neighbour Consultation** – None received.

3.2 **Kimpton Parish Council** – No comments.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 No. 22 is a two storey detached dwelling situated on the north side of Blackmore Way within a residential area of Blackmore End. The application dwelling is situated within a large plot and is set back from the public highway. This part of Blackmore Way is situated within the Rural Area beyond the Green Belt.

4.1.2 The local characteristics of this part of Blackmore Way consist of large, detached properties of varied scale and design. Parking is predominately off-street.

4.2 **Proposal**

4.2.1 Erection of detached rear garden room to facilitate gym/sauna/workshop.

4.2.2 The proposal is a resubmission of 23/01993/FPH and 24/00828/FPH. The proposed outbuilding has been reoriented and reduced in size.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

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

Design and Layout:

- 4.3.2 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to the sites local context and create or enhance the public realm. This is echoed in Section 12 of the NPPF, where paragraph 130 states that developments should function well and add to the overall quality of the area and be sympathetic to local character. Furthermore,
- 4.3.3 Policy D2 of the Local Plan states that planning permission will be granted for outbuildings where the proposal does not harm the character and appearance of the site and the location of the proposal does not have an adverse impact on the character and appearance of the street scene or area.
- 4.3.3 The proposed outbuilding would be single storey and would form an inverted L shape to house a workshop, gym and workout area, sauna, kitchenette and shower. The total outbuilding would therefore be approximately 12m in depth, 9.945m in depth with a pitched roof, peaking at 3.8m and 2.5m high eaves.
- 4.3.4 The proposed outbuilding is located in the rear garden and would not be visible from the public realm. The proposal seeks to use a pitched brown shingle roof with velux windows, facing brick and render exterior walls, grey anthracite windows and doors. These materials are sympathetic to the existing dwelling and the rural garden setting and would not result in an adverse effect.
- 4.3.5 Under the previous scheme a refusal was given on the basis that the outbuilding “would urbanise the rear garden diminishing its contribution to the private experience of the character and appearance of the site and area. Arguably, the existing private experience of character and appearance is a leafy, open private rear gardens with only moderate scale outbuildings.”
- 4.3.6 In my view, although the applicant has reduced the size of the outbuilding, I still consider that a large outbuilding within this location to be contrary to the character of the locality. Although some weight is given to the large outbuildings at 14 and 26 Blackmore Way and the two storey dwelling at 28 Blackmore Way being rebuilt further down the garden, the proposed scheme fails to overcome the previous reason for refusal. In my view, the proposed development would be too large for the residential setting and no PD fallback has been demonstrated.
- 4.3.7 This scheme is therefore considered contrary to Policy D1 and D2 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbouring Properties:

- 4.3.8 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.9 In my view, the reduction of height from the previous scheme (23/01993/FPH) would reduce the overbearing harm. It has been set back further from the rear boundary and would feature some screening from the existing tree cover and the mature hedgerow.
- 4.3.10 This would be in line with Policy D3 of the Local Plan.

Parking

- 4.3.11 The proposed development would not affect the parking to the host dwelling and would not result in an increase in the number of bedrooms. As such, it is considered that there would not be any impacts to parking provision.

Environmental Implications:

- 4.3.12 The proposed development by virtue of the limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.
- 4.3.13 In regard to the neighbour objection regarding loss of trees, the site features a number of mature trees and in my view, the loss of one tree would not warrant a refusal. At present the trees are not under any statutory protection in the form of Tree Preservation Orders or Conservation Areas and a fallback position is therefore acknowledged. In my view, whilst the four trees to be removed do contribute to the visual amenity of the area, they are not of significant value or quality to be worthy of the further protection afforded by a TPO.

4.4 Conclusion

- 4.4.1 In conclusion, it is considered that the proposed outbuilding by virtue of its scale, would not be sympathetic to the locality. This proposal is therefore deemed contrary to Policies D1 and D2 of the Local Plan and as a result, dictates that planning permission should be refused on design.

4.5 Alternative Options

- 4.5.1 None.

4.6 Pre-Commencement Conditions

- 4.6.1 None.

5.0 Recommendation

- 5.1 That planning permission be **Refused**

1. It is considered that the proposed outbuilding would result in the urbanisation of the rear garden and a form of development contrary to local character, harmful to the appearance of the site and area. The proposal is therefore deemed contrary to Policies D1 and D2 of the Local Plan and Section 12 of the NPPF.

Proactive Statement:

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

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 10 December 2024	