DELEGATED FILE NOTE

CASE OFFICER: ...Ben Glover.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00083/FPH	Erection of single storey detached outbuilding in rear garden.	15 Elmtree Avenue Cockernhoe Luton Hertfordshire LU2 8QA

Submitted Plan Nos

Site Plan; Location Plan; Proposed Elevations

1.0 Policies

1.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 – Green Belt
Policy 28 – House Extensions
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

1.2 **National Planning Policy Framework**

Chapter 7 – Requiring good Design
Chapter 9 – Protecting Green Belt Land

1.3 **North Hertfordshire Draft Local Plan 2011-2031**

The Local Plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The policies of the Draft Local Plan therefore carry limited weight at this stage, however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

D1 – Sustainable Design
D2 – House Extensions and Replacement Dwellings
D3 – Protecting Living Conditions
T2 – Parking

1.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

2.0 **Site History**

2.1 No relevant planning history.

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 26/01/2016 Expiry Date: 16/02/2018

3.2 **Press Notice:**

Start Date: N/A Expiry Date: N/A

3.3 **Neighbouring Notifications:**

The owners/occupiers of No. 13, 17 Elmtree Avenue were notified on 26/01/2018. No representations have been received.

3.4 **Parish Council / Statutory Consultees:**

Offley Parish Council – No comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 No. 15 is a two storey semi-detached dwelling situated on the south side of Elmtree Avenue on the edge of a predominately residential area of Cockernhoe. The site features a long garden with open land to the rear. The site is situated within the Green Belt.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of a single storey outbuilding to be used as a workshop. The outbuilding would measure approximately 5m in depth, 8m wide and up to 3.3m in height.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

--The acceptability of the principle of the proposed extension in the Green Belt and the resultant visual impact of such a development.

--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.

Impact on Green Belt:

4.3.2 Chapter 9 of the National Planning Policy Framework (NPPF) notes that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 87 states that inappropriate development should not be approved except in very special circumstances. Paragraph 89 goes on to states that "*a local planning authority should regard the construction of new building as inappropriate in Green Belt. Exceptions to this are: the extension or alteration of a building provided it does not result in disproportionate additions over and beyond the size of the original building*"

4.3.3 Policy 2 of the District Local Plan takes the view that *"Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact."*

4.3.4 The proposed outbuilding does not comprise an exception in line with paragraph 89 of the NPPF and therefore the erection of a detached outbuilding within the Green Belt is considered inappropriate development. Very special circumstance (VSC) should therefore be demonstrated.

4.3.5 Whilst the applicant has not demonstrated very special circumstance for the erection of an outbuilding in this location, it is considered that in this particular case that VSC can

be demonstrated. Whilst large, the development would be marginally over what would normally be considered permitted development under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Additionally, given the siting of the outbuilding to the rear of the host dwelling, the development would be well screened from public view and therefore not result in the unacceptable loss in the openness of the Green Belt. Whilst technically inappropriate development in the Green Belt, the absence of any tangible harm represents the VSC required to justify supporting the proposal.

4.3.6 In consideration of both national and local planning policy, the proposed development would, on balance, not result in any unacceptable significant impact upon the openness of the Green Belt.

Design and Appearance:

4.3.7 The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 7 - Requiring good design). In this regard, Policy 28 and 57 of the Local Plan is consistent with the NPPF.

4.3.8 The development would be sited in the rear garden of the application site and would be well screened from view of the surrounding street scene. Furthermore, the development would be sited well away from the host property and therefore not result in any unacceptable impact upon the character and appearance of the host dwelling within the street scene.

4.3.9 Given the above, it is considered that the proposed development would not result in an unacceptable impact upon the character and appearance of the host property and would therefore be compliant with Policy 28 and 57 of the District Local Plan and the core principles set out within the National Planning Policy Framework.

Impact on Neighbouring Properties:

4.3.10 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan.

4.3.11 Whilst large, the development is sited away from any neighbouring property by some distance and would not result in a detrimental impact upon the outlook of neighbouring occupiers. Furthermore, it is considered that the proposed development would result in no unacceptable overbearing impact upon neighbouring occupiers and is therefore compliant with Policy 28 of the District Local Plan and the aims of the National Planning Policy Framework.

Highways and Parking:

4.3.12 The proposed development does not include an increase in the number of bedrooms, therefore there would be no car parking issues arising from the proposed development.

4.4 Conclusion

4.4.1 The proposed development is considered acceptable and are considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

5.0 **Recommendation**

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

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

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

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

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

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.