

NORTH HERTFORDSHIRE DISTRICT COUNCIL

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Our Ref : 24/01889/PRE

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Dear Daniel

Site – Venton, Green Acres, Lilley, LU2 8LS

Proposal – One new dwelling

I refer to your pre-application submission in respect of the above site, I am writing to you following an examination of the information submitted.

I would emphasise that this does not constitute a formal determination and is without prejudice to any subsequent formal planning application.

For your information the relevant government guidance and policies from the development plans are set out below.

Development site

The site is part of the curtilage of Venton, a detached two storey dwelling with a pitched roof, and a separate detached double garage, on a more spacious plot. Its boundaries are comprised of 2m+ high hedges and vegetation, and trees on the north boundary. A small number of trees are within the site.

The locality has a predominantly rural character with a small number of dwellings nearby, as it's in the north edge of Lilley where development fades into the countryside along Hexton Road. The site is in the Green Belt. The site is also in the Chilterns Area of Outstanding Natural Beauty.

Relevant planning history

89/01218/1 - Detached dwelling with garage, new vehicular access. (Outline approval - design, external appearance reserved) (as revised by plans received 4th September 1989) – Refused 30/12/90. Appeal dismissed.

The application was refused due to proposing new housing in the Green Belt, and loss of trees needed to build the proposed access.

Proposal

The erection of a detached two storey dwelling in the north of the site, which would be to the NE of the existing dwelling, with the existing detached garage demolished. The dwelling would be two storeys with a pitched roof, front and rear dormers, and would be of a more traditional design and appearance.

The dwelling would be accessed via a new crossover onto Hexton Road, and would have a parking area for three cars. The existing access and parking area for Venton would remain, as would its garden areas outside of the red-edged site.

Consultation responses

Council Ecologist

The development would be subject to mandatory Biodiversity Net Gain, as such a 10% uplift in biodiversity units will be required. Any future application will need to be accompanied by a Statutory Biodiversity Metric calculation which will determine the biodiversity baseline value of the site and therefore the number of units the development will be required to deliver.

Strategic significance is an element of this calculation and national guidance advises that Local Nature Recovery Strategies (LNRS) will be the reference for this through identifying areas for ecological improvement and the actions needed to deliver those improvements. The Herts LNRS is expected to be completed in 2025, until the LNRS is published, applicants are advised that the Herts Ecological Networks (HEN) Map be used instead to assess strategic significance, details can be obtained from the NHC website.

In addition to BNG, features that benefit species such as bats, birds and bee bricks should be considered as part of the built design to provide enhancements and support wildlife.

Given the proximity to woodland any future applications should be supported by an ecological appraisal. This would indicate any potential protected species interest on the site. Should such an interest be found it may be necessary to undertake further surveys to determine the level of use. The results of these surveys and details of proposed mitigation would need to accompany an application.

Relevant policies

NPPF

Generally and specifically: 5 – Delivering a sufficient supply of homes; 9 – Promoting sustainable transport; 11 – Making effective use of land; 12 – Achieving well-designed and beautiful places; 13 – Protecting Green Belt land; 15 - Conserving and enhancing the natural environment.

North Hertfordshire District Local Plan 2011-2031:

Strategic Policies

Policy SP1 Sustainable development in North Hertfordshire
Policy SP2 Settlement hierarchy and Spatial Distribution

Policy SP5 Countryside and Green Belt
Policy SP6 Sustainable transport
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape

Development Management Policies

Policy T1 Assessment of transport matters
Policy T2 Parking
Policy D1 Sustainable design
Policy D3 Protecting living conditions
Policy D4 Air quality
Policy NE2 Landscape
Policy NE3 The Chilterns Area of Outstanding Natural Beauty (AONB)
Policy NE4 Biodiversity and Geological Sites

Discussion

The main material considerations relating to this concern whether the principle of the development is acceptable, character and appearance, impacts on neighbour amenity, future living conditions, access and parking, landscaping and trees and biodiversity.

Principle

The site is in the Green Belt. The NPPF paragraphs 154 and 155 set out which types of development are not inappropriate, with those paras stating:

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the*

development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Relating to this is adopted Local Plan Policy SP2, which classifies Lilley as a Category B village, which states that infilling development which does not extend the built core of the village will be allowed in the Category B villages.

It is considered that if SP2 is complied with, the proposed new dwelling will be acceptable in principle.

The first assessment is whether the proposal would be infilling, with infilling typically taken to mean development in a small gap between existing buildings. In respect of the site, dwelling Venton is immediately to the south. There are also more dwellings slightly further away to the east and NE along or near Rectory Lane, which are partially visible through a small group of trees. In this case, due to the number of dwellings near the proposed, the new dwelling is considered infilling.

The proposal also shouldn't extend the built core of Lilley. As the application site is in the curtilage of a dwelling, and as there are dwellings to the east and NE, it is not considered that the built core will be extended.

The proposal is considered to comply with Policy SP2 of the Local Plan, and therefore also 154 e) of the NPPF in not being inappropriate development in the Green Belt.

Character and appearance

The proposal will sub-divide the site, with the proposed division considered acceptable in the context of the site's size, shape, internal layout, physical features etc. The remaining plot for Venton is considered of an acceptable size and spacing of the dwelling within it for the locality. The plot for the new dwelling would be smaller than what would remain for Venton, however it is comparable to others nearby, and is acceptable. The resulting increase in dwelling density is considered acceptable.

The new dwelling would be comparable in size to Venton, and is acceptable in this respect. The dwelling is considered to be spaced acceptably far from the site boundaries and Venton to avoid appearing cramped. The front of the dwelling would be a similar distance from the public highway as the SW corner of Venton and doesn't raise building line concerns, and would also be substantially obscured by vegetation.

The design of the dwelling would be more traditional and agrarian, in parts appearing like a barn conversion. Given the more rural character of the locality and as dwellings nearby are a mix of designs and appearances, the design approach is considered acceptable. It is not considered that the development would adversely affect the Chilterns AONB.

Neighbour amenity

Due to the proposed siting of the dwelling, which would be set away from the rear boundary; and as Venton, Hexton Road, and trees and vegetation provide buffers between it and the nearest dwellings, it is not considered that the proposed dwelling would be harmful to amenity.

Future living conditions

This is relevant to the new dwelling, and to existing dwelling Venton.

The plot for the new dwelling would be considered to provide a private garden of an acceptable size. The mature tree at the rear of the site is likely to dominate outlook from the rear elevation openings, and its potential impacts should be carefully considered and mitigated against. Trees are also shown overlapping the north of the dwelling, which could affect light and outlook.

One corner of Venton would be close to the boundary of the plot for the new dwelling, however Venton as a whole is considered sufficiently far away to avoid causing overbearing impacts and loss of light.

First floor north elevation side windows of Venton would provide clear views into the rear garden of the new dwelling, which would potentially provide unsatisfactory levels of privacy for occupants of the new dwelling.

A planning application should include existing floor and elevation plans of Venton to fully understand how that dwelling would affect the new dwelling and its curtilage.

Unsatisfactory living conditions for occupants of the new dwelling would be a reason for refusal, which can include overlooking of private garden areas. It would be preferable for those north facing first floor side elevation windows to be obscure glazed, and serve bathrooms or be secondary windows to a bedroom (Note – We would not accept the sole window of a bedroom to be obscure glazed, as this would be unsatisfactory living conditions for the occupant of that room).

It does not appear from the plans that Venton would be adversely affected by the new dwelling.

Parking and highways

The new dwelling should have two parking spaces, and one covered cycle space, to meet the minimum Council standards and to be acceptable (assuming the dwelling would have two or more bedrooms). Visitor parking is not considered to be required. The plans show these, and also include a turning area so that vehicles could leave the site in a forwards gear. Existing parking provision and access for Venton would not appear to be affected.

The pre-app includes a pre-application response from Hertfordshire Highways, which it is assumed corresponds to the proposed site and access plan. HH did not raise concerns, therefore it may be the case that the access will be acceptable to the highways officer.

Hertfordshire Highways would in any case be consulted on any new application submitted, and their comments would be given significant weight in the determination of an application. I consider it unlikely that the increase in traffic generation would be harmful to the public highway.

Landscaping and trees

Some details of hard and soft landscaping have been provided, which appear acceptable in layout and extent. If an application is approved, further details may be required by condition.

The site has one notable tree at its rear, which has a large canopy, although the tree is not subject to a TPO or in a Conservation Area. There are also trees that appear to spread over the north boundary, which are part of a larger group. The construction of a dwelling may directly affect the trees and/or result in future pressures for its removal. An application should include a survey of this tree and setting out the impacts of the proposal on it.

Ecology and biodiversity

The Council's Ecologist has provided the following comments:

The development would be subject to mandatory Biodiversity Net Gain, as such a 10% uplift in biodiversity units will be required. Any future application will need to be accompanied by a Statutory Biodiversity Metric calculation which will determine the biodiversity baseline value of the site and therefore the number of units the development will be required to deliver.

Strategic significance is an element of this calculation and national guidance advises that Local Nature Recovery Strategies (LNRS) will be the reference for this through identifying areas for ecological improvement and the actions needed to deliver those improvements. The Herts LNRS is expected to be completed in 2025, until the LNRS is published, applicants are advised that the Herts Ecological Networks (HEN) Map be used instead to assess strategic significance, details can be obtained from the NHC website.

In addition to BNG, features that benefit species such as bats, birds and bee bricks should be considered as part of the built design to provide enhancements and support wildlife.

Given the proximity to woodland any future applications should be supported by an ecological appraisal. This would indicate any potential protected species interest on the site. Should such an interest be found it may be necessary to undertake further surveys to determine the level of use. The results of these surveys and details of proposed mitigation would need to accompany an application.

The first two paragraphs refer to the requirement that a 10% Biodiversity Net Gain should be created from the development, which can be on-site or off-site. More detailed information is available on our website here:

[Biodiversity Net Gain | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/biodiversity-net-gain)

A qualified ecologist should carry out the BNG assessment. On-site provision would be a more straightforward process, although potential tree and vegetation impacts will need to be considered.

The other paragraphs from the Ecologist states an ecological appraisal/survey should be submitted with an application to identify whether protected species and their habitats are present. If protected species are found, further surveys may be necessary. Protected species mitigation and enhancement measures may also be required, which should be set out in the appraisal.

Conclusion

The proposal appears largely acceptable, with the main potential concern being overlooking from Venton of the rear garden of the new dwelling.

There may be issues relating to impacts on trees, and the need to provide a biodiversity net gain.

Yours sincerely



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