

Planning, Design and Access Statement

Proposed alterations and extension to dwelling and erection of a detached swimming pool building at Thisley End, Gosmore



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The statement is structured as follows:

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1.0 INTRODUCTION

1.1 This statement supports an application for full planning permission for the alteration and enlargement of a detached dwelling house, demolition of outbuildings and a rear balcony, change of use of manège to garden land and erection of a detached ancillary swimming pool building.

1.2 The property includes garden, outbuildings, stable buildings, and manège.

1.3 The appellants sought and obtained a certificate of lawfulness for proposed extensions to this property and the erection of a detached ancillary swimming pool building in January 2020. The current proposal is an alternative to that proposed scheme.

1.4 Since the certificate of lawfulness was issued the Government has introduced additional permitted development rights relating to dwellings allowing for the addition of floors to a dwelling house. This did not form part of the application for a certificate of lawfulness, because it is a recent permitted development right introduced by the Government as part of a package of measures to boost economic output.

2.0 BACKGROUND AND SITE DESCRIPTION

2.1 The site is located within the countryside amongst a group of dwellings to the south of Gosmore, to the east of Preston Road and southwest of Thistley Lane. The site lies within the Green Belt. The application site accommodates the detached dwelling house, several outbuildings, stables and a manege.



2.2 The existing dwelling house is a part two-storey, part single-storey detached dwelling. There are residential properties to the south, east and north east of the property. Access to the property is off Thistley Lane.



Photograph 1 - Front elevation of existing dwelling



Photograph 2 - Rear elevation of the dwelling

- 2.3 A certificate of lawfulness was issued for extensions to the dwelling and a detached pool building in January 2020 (Application No. 19/02932/LDCP). This application for planning permission is an alternative to that approval. The development with the benefit of a certificate of lawfulness is the fall-back position. A material consideration is also the more recent permitted development rights that allow for

the increase in the height of the existing dwelling house, which apply to dwellings within the Green Belt.

3.0 PROPOSED DEVELOPMENT

- 3.1 It is proposed to erect two-storey rear and side extensions, front porch, convert the existing loft, insert two dormer windows and two roof lights to front roof slope, install new and replacement windows, remove existing render to reveal brickwork beneath, remove rear wooden balcony and erect a detached swimming pool building on part of an existing manège. The manège would also be landscaped and brought back to residential garden land. It is proposed to demolish three outbuildings identified on the submitted proposed layout plan No.2018-33-PL001B.

4.0 PLANNING HISTORY

- 4.1 Planning permission was granted on 11 October 2004 for the retention of a stable block (Application No. 04/01359/1).
- 4.2 Planning permission was granted on 14 May 2008 for the construction of a menage [sic] with post and rail fencing (Application No. 08/00628/1)
- 4.3 Planning permission was granted on 7 August 2017 for a single storey side extension and conversion of existing stables/storage barn to create one 2 bed residential dwelling (Application No. 17/01355/1).
- 4.4 A certificate of lawfulness for a two-storey rear extension, single-storey side extension, porch to front door and detached ancillary swimming pool building was partly approved and partly refused on 13 November 2019 (Application No. 19/02268/LDCP).
- 4.5 A certificate of lawfulness for proposed development was issued on 17 January 2020 for a two-storey rear extension. Single-storey rear extension, loft conversion and rear dormer. Porch to front door. Detached ancillary swimming pool building (Application No. 19/02932/LDCP).

5.0 PLANNING POLICY

National Planning Policy Framework

- 5.1 This document sets out national planning policies which are an important material planning consideration, which should be read as a whole.
- 5.2 Paragraph 8 indicates that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supporting ways. These objectives are economic, social, and environmental.
- 5.3 Paragraph 11 sets out a presumption in favour of sustainable development.
- 5.4 Section 12 of seeks to achieve well-designed places.
- 5.5 Section 13 seeks to protect Green Belt land.
- 5.6 Paragraph 133 confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence.
- 5.7 Paragraph 134 sets out the five purposes served by the Green Belt.
- 5.8 Paragraph 143 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.9 Paragraph 144 stipulates that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 5.10 Paragraph 145 identifies exceptions where new buildings are not considered inappropriate. One of these is the extension and alteration of a building provided it

does not result in disproportionate additions over and above the size of the original building.

- 5.11 Section 15 addresses conserving and enhancing the natural environment.

The Development Plan

- 5.12 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the saved policies of the North Hertfordshire District Local Plan No. 2, April 1996.

The Local Plan

- 5.13 **Policy 2 – Green Belt** indicates that the Council will aim to keep the uses of land open in character. 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 land which are appropriate in the Green Belt, and which would not result in significant visual impact.

- 5.14 **Policy 28: House Extensions** - For house extensions, the Council will normally only permit development proposals if:

the extension is sympathetic to the existing house in height, form, proportions, window details and materials; and

pitched roofs are used where appropriate, particularly if the extension is more than the height of a single storey.

Rear extensions should not dominate adjoining property and should be well related to the levels of adjoining properties, the direction the house faces, and the distance between the extension and the windows in the next door properties. For extensions less than 3 metres from the rear main wall of the existing house, the Council will normally permit development.

Side extensions adjoining a residential plot to the side will normally be refused if, at first-floor level or above, less than 1 metre from the boundary.

The Council will normally refuse proposals for extensions which would result in a deficiency or worsen an existing deficiency, of off-street car parking spaces based upon standards in Policy 55.

5.15 **Policy 55: Car Parking Standards** – the Council will require all development proposals to be provided with car parking spaces. The minimum standard is that of 2 parking spaces (within curtilage) or 1.75 spaces outside the curtilage for a 2-bedroom dwelling, 2 parking spaces for a 3 bedroom dwelling, and 3 parking spaces for a 4 bedroom dwelling.

5.16 **Policy 57: Residential Guidelines and Standards** sets out guidelines for the design, layout, mix of dwelling sizes, floorspace, orientation, privacy, amenity space, landscaping, noise, car parking and garaging, and servicing.

Supplementary Planning Guidance/Documents

5.17 The Council has adopted SPGs and SPDs that are relevant to this proposal. The most relevant to this development are:

- Design 2011 (SPD)
- Vehicle Parking at New Developments 2011 (SPD)

5.18 These documents have been taken into account in the design of the proposed development.

Submission Local Plan 2011 -2031

5.19 The submission Local Plan was submitted to the Government on 9 June 2017. Hearings took place in November 2017, January, February and March 2018. Main modifications were the subject of consultation in 2019. Further hearings are scheduled to take place, which have been delayed due to the Covid 19 pandemic. Virtual hearings are now scheduled for 28 September 2020.

- 5.20 **Policy SP5: Countryside and Green Belt** confirms that development proposals will only be permitted in the Green Belt where they would not result in inappropriate development.
- 5.21 **Policy SP12: Green Infrastructure, biodiversity and landscape** confirms that significant growth will be accommodated whilst ensuring that the natural environment will be protected and enhanced.
- 5.22 **Policy CGB4: Existing rural buildings** indicates that planning permission for the re-use, replacement and extension of buildings in the Green Belt or Rural Area beyond the Green Belt will be granted where:
- a. Any existing building to be converted does not require major extension or reconstruction;
 - b. The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Green Belt or Rural Area beyond the Green Belt than the original building(s); and
 - c. Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.
- 5.23 **Policy D1: Sustainable design** indicate that planning permission will be granted where development proposals respond positively to the site's local context and take all reasonable opportunities, consistent with the nature and scale of the scheme.
- 5.24 **Policy D2: House extensions, replacement dwellings and outbuildings** – planning permission for house extensions will be granted where:
- a. The extension is sympathetic to the existing house in height, form, proportions, window details and materials;
 - b. Pitched roofs are used where appropriate, particularly if the extension is more than the height of a single storey;
 - c. Rear extensions do not dominate adjoining properties and are well related to the levels of adjoining properties, the direction the house faces and the distance between the extension and the windows in the next door properties; and

- d. Side extension, at first floor level or above, adjoining a residential plot to the side are at least 1 metre from the boundary to ensure there is no adverse impact on the character of the streetscene.

Planning permission for replacement dwellings and outbuildings will be granted where:

- e. The proposal enhances the character and setting of the site; and
- f. The location of the proposal does not have an adverse impact on the character of the streetscene or the area.

5.25 **Policy D3: Protecting living conditions** – planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

6.0 ANALYSIS

6.1 From an assessment of this site and a review of planning policies there are four main issues raised by this proposal. These are:

- the principle of the proposed development,
- the effect upon the Green Belt
- effect upon the character and appearance of the area; and
- effect upon the living conditions of neighbours.

Principle of the proposed development

6.2 The proposals include extensions to an existing dwelling and a detached ancillary swimming pool building. It is proposed to change the use of a manège granted planning permission in 2008 back to garden land.

6.3 As the proposal is for householder development to an established dwelling house the proposal would be acceptable in principle. The change of use of the manège back to garden land would within the residential context of the host dwellings and surrounding dwellings would also be acceptable in principle. The proposal falls to be considered on its merits, including the effect upon the Green Belt and character and appearance of the area.

6.4 Of relevance to the principle of the proposal and other considerations including assessment against Green Belt policy is the fall-back position.

Fall-back position

6.5 The fall-back position is development the benefits of planning permission. A fall-back position is where an alternative development is a material planning consideration. The alternative development may be as a result of planning permission granted by the Council or deemed consent, such as that granted by the Town and Country Planning General Permitted Development Order. The Court of Appeal recently clarified when fall-back development may be a material

consideration, which included permitted development under Class Q even where prior approval had not been given by the local planning authority.

- 6.6 In this case, the applicants obtained a certificate of lawfulness for a proposed development in January 2020 (19/02932/LDCP). This includes a two-storey rear extension, a single-storey rear extension, a single storey side extension, loft conversion and rear dormer, front porch, and an ancillary detached swimming pool building.
- 6.7 The applicant intends to implement that scheme in the alternative to the current proposal along with more recent permitted development that allows for the provision of an additional storey onto the existing dwelling house. This constitutes the fall-back position against which the proposal should be considered, and not the existing situation on this site. The fall-back position has been found by the courts to be an important material consideration in the determination of applications. The case of *Mansell v. Tonbridge and Malling Borough Council et al* [2017] EWCA Civ1314 is relevant where the Court of Appeal found that permitted development rights under Class Q, with no prior approval, was sufficient to constitute a fall-back position if an applicant confirms an intent to carry out such development. In this circumstance, a development with a certificate of lawfulness, for proposed development that would be permitted by Classes A, B and E of Part 1 to Schedule 2 of the GPDO should be given full weight in the assessment of this application for planning permission.

Effect upon the Green Belt

- 6.8 The site is within the Green Belt to the south of Gosmore. It lies amongst a group of dwellings near the junction of Preston Road with Thistley Lane.
- 6.9 The key considerations from a Green Belt perspective are: (a) whether the proposal is inappropriate development in the Green Belt or (b) if it is inappropriate development whether there are material considerations the constitute very special circumstances that clearly outweigh the harm to the Green Belt and any other harm.

Whether the proposal would be inappropriate development

- 6.10 Paragraph 145 of the Framework identifies exceptions where new buildings in the Green Belt are not inappropriate. This includes the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
- 6.11 Policy 2 (Green Belt) of North Hertfordshire District Local Plan No. 2 planning permission will only be granted for new buildings, extensions, and changes of use of buildings and land which are appropriate in the Green Belt, and which would not result in significant visual impact.
- 6.12 Policy CGB4 of the Submission Local Plan allows for extension of existing buildings in the Green Belt provided that the resultant building does not have a materially greater impact on the openness of the Green Belt than the original building and any outbuildings are sited as close as possible to the main building and is visually subordinate to them.
- 6.13 It is proposed to demolish an existing rear balcony and three outbuildings and to erect two-storey rear and side extensions, convert the loft and insert dormers to the front roof slope. An existing enclosed front porch would be replaced by an open porch. The proposed extensions would provide less footprint and similar floor space compared to the development that has a certificate of lawfulness – the fall-back position. It is also proposed to convert the loft and insert dormer windows to the front roof slope and replace an existing enclosed porch with a canopy. A detached ancillary swimming pool building is proposed on part of a former manège, this would be in a different location to that proposed for the certificate of lawfulness and would be smaller in terms of height and footprint. There are other benefits from the proposed design and location of the proposed pool building compared to the fall-back position which will be addressed later when considering the effect upon the character and appearance of the area and neighbours.
- 6.14 The table overleaf identifies the floorspace of the fall-back development compared to the current proposal. This application for planning permission also includes the demolition of three outbuildings.

Floor	Existing m ²	LDC (fall-back) m ²	Proposed m ²
Ground Floor Including Pool and covered terrace	208	501	422
First Floor including balcony	96	99	146
Second Floor	37	40	95
Outbuildings	304	304	209
Total	645	944	872

6.15 With the proposed scheme it is proposed to remove three outbuildings that provide 95m² of floor space which has been factored into the above table. This would enhance the openness of the site. The proposed scheme would have less footprint than the fall-back position and less floor space overall.

6.16 The Framework does not specify what would be a disproportionate addition over and above an original dwelling house. Adopted Local Plan Policy 2 allows for appropriate extensions but does not clarify what would be appropriate. It also indicates that an extension should not result in significant visual impact, which is a matter of judgement and does not relate to openness. The courts have found that if a scheme would not be inappropriate development in the Green Belt in accordance with an exception that does not expressly state a need to assess its effect on openness or whether it would conflict with the purposes of including land within the Green Belt, the proposal should not be regarded as harmful to the openness of the Green Belt or the purposes of including land within it¹. It is not then necessary to consider effect upon openness. LP Policy 2 includes an assessment of visual impact in terms of compliance with that policy, but as indicated previously, this does not affect whether a proposal would be appropriate within the Green Belt.

¹ Court of Appeal Judgement Lee Valley Regional Park Authority v Epping Forest DC, 2016

6.17 It is contended that permitted development rights relate to the issue of inappropriateness, because the Government has not sought to limit permitted development rights under Part 1 of Schedule 2 of the GPDO within the Green Belt, and therefore the corollary is that permitted development would not be inappropriate in the Green Belt, otherwise such rights would have been restricted. The fall-back position is also material in considering whether there are very special circumstances.

6.18 It is considered that based upon relevant development plan policies and material considerations, including the Submitted Local Plan and the Framework, the proposed extensions would not result in disproportionate additions over and above the original dwelling house and the proposed ancillary swimming pool building would be appropriate. Therefore, the proposed development would not be inappropriate development in the Green Belt.

6.19 If the Council agree that the proposals would not be inappropriate development in the Green Belt in accordance with an exception that does not expressly state a need to assess its effect on openness or whether they would conflict with the purposes of including land within the Green Belt, the proposals should not be regarded as harmful either to the openness of the Green Belt or the purposes of including land within it.

Very Special Circumstances

6.20 The matter of whether there are very special circumstances is only relevant if the Council considers that the proposed development is inappropriate development.

6.21 If the Council consider that the proposed development is inappropriate, it is contended that there are material considerations that constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and that there is no other harm.

6.22 The very special circumstances relate to the fall-back position, against which the proposed development should be considered, and that the proposal would enhance the character and appearance of the area. LP Policy 2 identifies visual impact as an

important consideration within the Green Belt, as it seeks to resist significant visual impact.

6.23 The development proposed development would enhance the openness of the site compared to the fall-back position and would be a significant improvement in terms of the character and appearance of the site.

6.24 The certificate of lawfulness related to rear and side extensions. The extract from the drawing below shows the rear and side extensions for which the certificate of lawfulness was issued.



LDC scheme – rear elevation

6.25 Below is an extract from the drawings showing the proposed scheme to the rear elevation.



6.26 The illustrations below show the LDC development and the current proposal in respect of the front elevation, which assist in an assessment of the proposal against the fall-back position.



LDC Scheme



Current proposal

6.27 The most notable difference is the side extension. The LDC proposes a large lean-to single storey side extension. This would unbalance and dominate the appearance of the existing dwelling. Whereas, the proposed two-storey side extension would result in dwelling with a balanced and consequently more aesthetically pleasing appearance that would enhance the appearance of the dwelling and the immediate area.

6.28 The proposed external materials would also be a significant improvement over the fall-back position, along with proposed canopy to the front door. It is proposed to

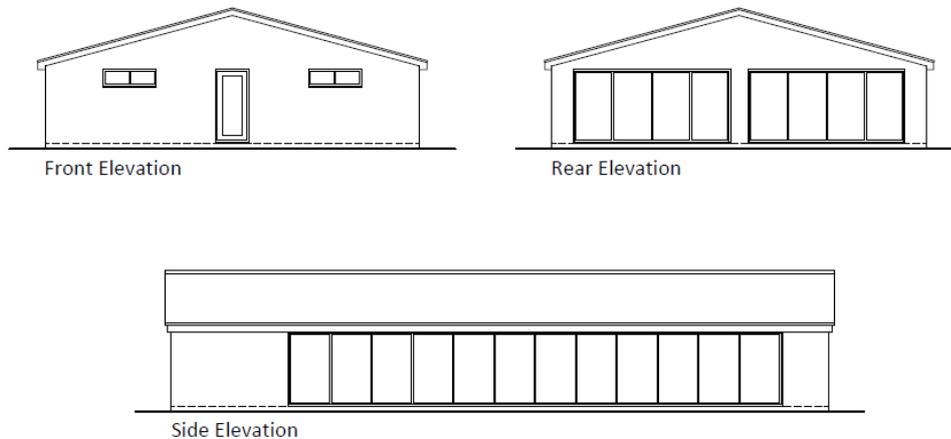
remove existing render to reveal the original brickwork beneath. The expanse of the plain tile roof to the front roof slope would be alleviated by the introduction of lead faced modest dormer windows and roof-lights which would add interest to the dwelling. The open porch to the front with Oak post and brick plinth would be a lighter and more attractive entrance feature to the dwelling compared to the existing porch and the proposed porch in the LDC scheme.

Proposed swimming pool building

6.29 Regarding the detached ancillary swimming pool building, the current proposal would be a significant improvement upon the LDC scheme in terms of openness, as illustrated by the visualisations below.



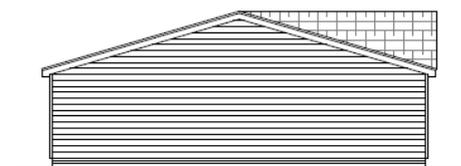
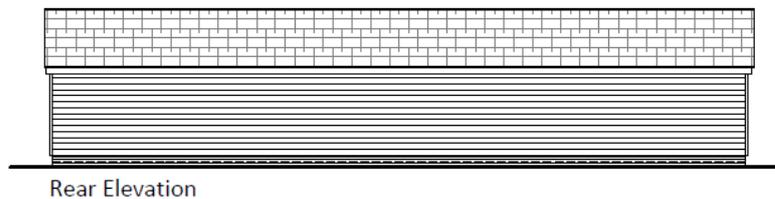
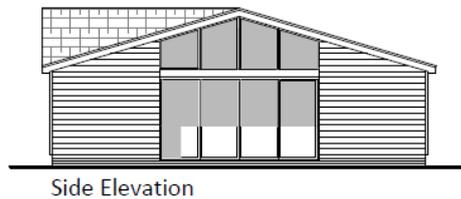
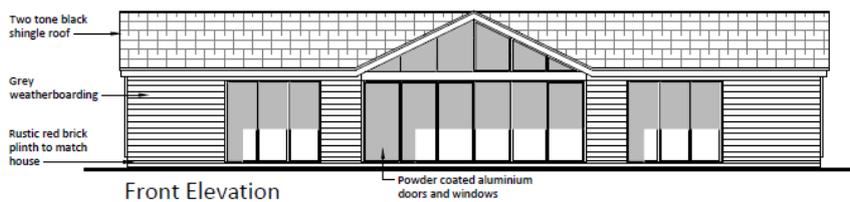
LDC Scheme – pool building



Elevations of the pool building for the LDC scheme



Current proposal – pool building



Proposed elevations of pool building

6.30 The proposed pool building would have 33m² less floor space than the LDC scheme and would be lower in height. The building would also be set into the ground within

the corner of the manège and clad in weatherboarding. It would be screened from the Preston Road by existing boundary fence, trees, and shrubs. This area of the site would be enhanced by additional planting. This would result in a swimming pool building that would have less effect upon the openness of the Green Belt and improve the visual appearance of the area compared to the fall-back position.

- 6.31 In conclusion on this issue, the reduced impact on the openness of the Green Belt and the improvements in visual impact of the proposal compared to the fall-back position are material considerations that constitute very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness. There would not be any other harm. Therefore, the proposal would comply with adopted Local Plan Policy 2, the Framework, and Policies SP5 and CGB4 of the Submission Local Plan.

Effect upon the Character and Appearance of the Area

The proposed extensions would be sympathetic to the existing house in height, form, proportions, window details and materials and roof design. The rear extension would not dominate adjoining property and should be well related to the levels of adjoining properties, the direction the house faces. The proposal would comply with LP Policy 28 in this regard.

- 6.32 The appeal site is located amongst a group of dwellings within the Green Belt a short distance from the village of Gosmore. The site is well screened by existing planting as well as other dwellings and buildings in the vicinity. The site is therefore not prominent with the landscape. Nevertheless, the proposed development would significantly enhance the appearance of the site from the limited public views available, which is a material consideration in favour of the proposal in compliance with the aims of LP Policy 2 and 28 as well as Policy D2 of the Submission Local Plan.

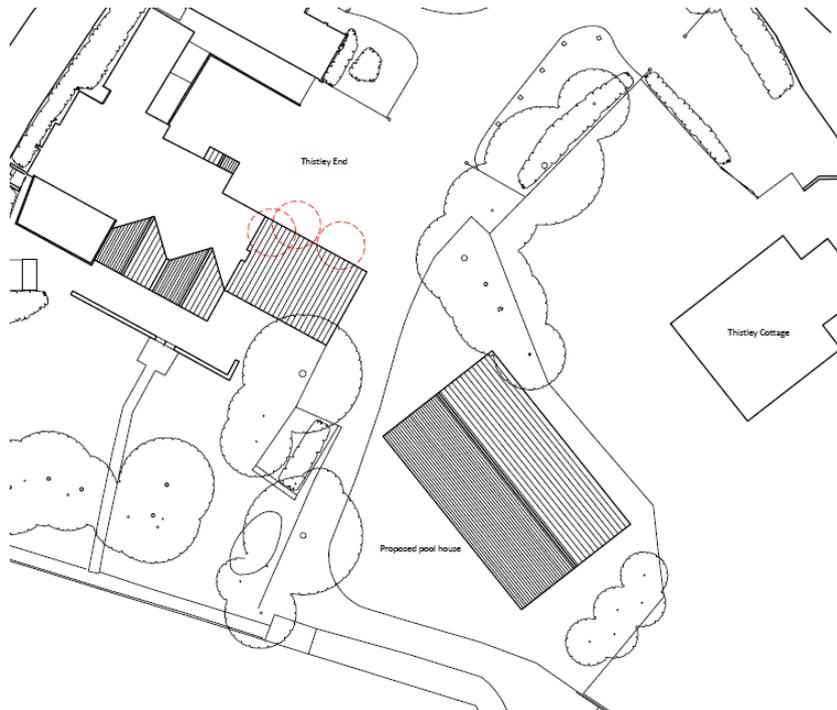
Living conditions of occupiers of neighbouring residential properties

- 6.33 Thistley Cottage is located to the east of the site, Thistley Grange to the south-east and Thistley Bungalow is located to the south on slightly higher ground. Planning

permission was granted recently in August 2020 (Application No. 20/01224/FPH) for a detached outbuilding to Thistley Grange.

6.34 The proposed extensions would not have an adverse impact upon neighbours in terms of overlooking, overshadowing or outlook given the distance from and relationship with neighbouring properties.

6.35 The swimming pool building the subject of the LDC was located to the south-west of Thistley Cottage. The building would stretch along a large section of the boundary of Thistley Cottage with Thistley End just 2m from the boundary. The location of the pool building in the LDC scheme is shown on the layout plan overleaf, and the relationship with Thistley Cottage is evident from the photograph 3.





Photograph 3 – proposed location of pool building – LDC scheme

- 6.36 There would be some overshadowing of this neighbouring property due to orientation and proximity, as well as impact upon outlook from the rear garden and windows on the elevation of Thistley Cottage facing the approved swimming pool building.
- 6.37 This application for planning permission proposes a pool building to the south of the site to the north of Thistley Bungalow. The proposed pool building would be 7m from the boundary with the neighbouring dwelling, set into the ground and at a lower level than Thistley Bungalow. There has been recent tree planting adjacent to the boundary that will grow in the medium term that would screen views from the side elevation of Thistley Bungalow towards the Thistley End and the proposed swimming pool building. Given the modest scale, height, distance from and orientation with Thistley Bungalow, the proposed swimming pool building would not have an adverse impact upon the living conditions of occupiers of this neighbouring property in terms of overlooking, overshadowing or outlook.



Photograph 4 – proposed location of swimming pool building

- 6.38 In conclusion on this issue, the proposal would comply with LP policy 57 and Submission Local Plan Policies D2 and D3 and adopted SPD on Design which seek to protect residential amenity.

Access and Highway Safety

- 6.39 There is ample space for the parking of vehicles within the site. There is a turning area within the front garden that enables motor cars can enter and leave the site in a forward gear.
- 6.40 In conclusion on this issue, the proposal would not have an adverse impact upon highway safety and would comply with LP Policy 57 and SPD on Vehicle Parking at New Development.

Sustainability and Biodiversity

- 6.41 The proposal is for extensions and an outbuilding to an existing dwelling in the countryside to the south of Gosmore. The proposal would improve and make more effective use of an existing residential property. It is proposed to provide additional landscaping, which would provide net gains in biodiversity.

- 6.42 The scheme would include renewable energy sources in the form of ground heat source pump to provide a more sustainable source of heating the property including the proposed pool building. It is also proposed generate renewable energy through the provision of photovoltaic panels to the roof. The Applicants are also investigating the provision of a borehole for water supply.

7.0 PLANNING BALANCE AND CONCLUSIONS

- 7.1 The proposed extensions and pool building should be assessed against the fall-back position of the scheme that has the benefit of a certificate of lawfulness.
- 7.2 The proposed extensions would not be disproportionate additions to the original dwelling house, which along with the proposed swimming pool building would not be inappropriate development in the Green Belt.
- 7.3 However, if the Council consider that the proposed development would be inappropriate development, there are very special circumstances that would clearly outweigh the harm to the Green Belt by reason of inappropriateness. The proposed scheme would enhance the openness of the site compared to the fall-back position. Therefore, the proposal would not be harmful to either the openness or to the purposes of including land within the Green Belt. The proposed scheme would also result in a significant improvement to the character and appearance of the immediate area and the amenities of occupiers of Thistley Cottage compared to the fall-back position.
- 7.4 The proposal would comply with relevant development plan policies and the National Planning Policy Framework.