

Our Ref: P1243/JPB

**Planning &
Design and Access Statement**

On behalf of

Mr D. Demosthenous

In support of the
Planning Application for

Proposed Boundary Wall and Gates

At

**67 The Ridgeway, Cuffley
Hertfordshire, EN6 4BD**

November 2011



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1. Introduction and Development Proposals

1.1 This Planning Statement has been prepared on behalf of Mr Demos Demosthenous (the 'Applicant') in support of a planning application proposing a boundary wall and access gates to the existing dwelling at The Ridgeway, Cuffley, Hertfordshire EN6 4BD (the 'property').

1.2 The statement should be read in conjunction with other submitted documentation which comprises:

- Application forms, Ownership and Agricultural Holdings Certificates;
- Planning and Design and Access Statement;
- Biodiversity Checklist;
- Sustainability Checklist;
- Drawing 09033 001 P2 – Site Location Plan;
- Drawing 09033 003 P2 – Existing Roof Plan and Elevations; and
- Drawing 09033 500 P1 – Proposed Elevation and Block Plan.

1.3 This statement and the associated documents confirm that the development is in accordance with relevant national, strategic, and local plan policy and as such, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning permission, is in our assessment, justified.

2. Site Location and Description

2.1 The property is located on The Ridgeway which runs in a south-east – west direction linking to Cuffley. It is located to the south of The Ridgeway. The property is accessed from The Ridgeway and set back from the road with front driveway for parking. A consistent building line to the Ridgeway is established of approximately 10 metres.



- 2.2 The property is a detached chalet style bungalow and is set within a substantial plot in a group of detached dwellings also set in substantial plots which are located in linear fashion either side of The Ridgeway.
- 2.3 The subject property dates from the 1930s with a rear garden length of approximately 60 metres or more. To the rear the land falls way requiring a terrace with step down to overcome the fall in gradient.
- 2.4 The property is located outside of any defined settlement limits in terms of development plan policy. It is located within a Landscape Character Area designated in the District Plan and the Green Belt. The property is not statutorily or locally listed as of architectural or historic interest and does not fall within a conservation area. It is not located within a flood risk zone and the area is not subject to an Article 4 Direction that removes permitted development rights. There are no Tree Preservation Orders applicable to the site.
- 2.5 The property is located within Welwyn Hatfield District Council (the 'Council') area and they are the relevant local planning authority for the purposes of determining development proposals.





2.6 There is currently no existing boundary to the front of the property and the property is open to the street. This is in contrast to the majority of the properties which have secure boundaries. This is shown on the photograph above.

3. Relevant Planning History

3.1 The Council's Planning Records confirm four planning decisions against the property. These are:

- Planning application (Ref: E989/50) for the 'extension to the lounge' – granted 19.10.1950;
- Planning application (Ref: S6/1979/0858) for a 'loft conversion' – granted 17.03.1980;
- Planning application (Ref: S6/1984/0531) for the 'erection of a single storey rear extension' – granted 08.10.1984;
- Planning application (Ref: S6/2010/2677/FP) for the 'erection of a detached dwelling' – refused 02.03.2010.
- Planning application (Ref: S6/2010/2885/FP) for the 'demolition of existing garage and erection of two storey side extension to include garage. Erection of single storey rear extension and alterations to roof to form two additional bedrooms' – refused 24.01.2011

3.2 In respect of the January 2011 refusal, the application was refused for the following reasons by delegated decision:

1. The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed extensions to the application dwelling would result in a disproportionate increase in the size of the original dwelling and so would represent inappropriate development contrary to Policy RA3 of the Welwyn Hatfield District Plan 2005. No very special circumstances have been advanced of sufficient weight to set aside Green Belt policies of restraint.



2. The proposed development would result in the visual amenity of the Green Belt and its perceived openness being harmed as the extended dwelling would appear more prominent than the existing dwelling and would reduce the gap between the application dwelling and the adjacent dwelling No.69 The Ridgeway. As such, the proposals represent inappropriate development contrary to the requirements of Policy RA3 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2 (Green Belt). No very special circumstances have been advanced of sufficient weight to set aside Green Belt policies of restraint.

3. The Local Planning Authority considers that the applicant has failed to demonstrate the development complies with the requirements of The Conservation of Habitats and Species Regulations 2010 as no appropriate bat survey has been submitted with the application to confirm whether bats are present in the existing roof of the application property. This is contrary to the requirements of Planning Policy Statement 1 (Delivering Sustainable Development), guidance contained in Planning Policy Statement 9 and Circular 06/05 (Biodiversity and Geological Conservation) and policy SD1 (Sustainable Development) of the Welwyn Hatfield District Plan 2005, The Conservation of Habitats and Species Regulations 2010 and The Wildlife and Countryside Act 1981.

3.3 This refusal was the subject of a planning appeal (Ref: APP/C1950/D/11/2151472). This appeal was dismissed on 20th June 2011.

3.4 In the decision the Inspector noted that the proposed development was 'inappropriate development' as a result of the cumulative impact of the extensions proposed and concerns over the possibility of bats within the roof space of the main house. The proposed development seeks to address these issues by only proposing the replacement garage.

3.5 An application for a replacement garage has also been recently submitted (Ref: S6/2011/2149/FP).



4. Planning Policy Context

- 4.1 The following section briefly describes national, strategic and local planning guidance of relevance to the proposed development.
- 4.2 Section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities when determining planning applications to “have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”.
- 4.3 Section 70(2) of the 1990 Act is to be read in conjunction with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which provides that “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 4.4 This is the approach adopted in this statement, which is based on the following stages:
1. the provisions of the development plan are firstly identified so far as material to the application [development];
 2. an assessment is made as to whether the application [proposed development] conflicts with the development plan provisions;
 3. if conflict is identified material considerations are assessed to determine whether they should apply and counteract the conflict with the plan.
- 4.5 The development plan for the purposes of this process is defined in the 2004 Act as the regional strategy for the region in which the area is situated and the Development Plan documents which have been adopted or approved in relation to that area. In the context for the site the current Development Plan is provided by the **East of England Plan** (the Regional Spatial Strategy), and the **Welwyn Hatfield District Plan**, dated July 2005.



4.6 The approach adopted in this Statement is therefore to assess the proposal in the context of the relevant Development Plan policies and especially in the context of any changes to policy since the granting of planning permission. This statement will also consider any other considerations that may be material including guidance contained in Government planning policy statements and guidance notes.

East of England Plan

4.7 The East of England Plan (adopted May 2008) is the strategic plan for the development and growth of the East of England Region. It sets out policies to manage the key planning issues facing the region as a whole, such as where new houses, shops and industry should be located, and how to improve the transport system and protect and improve important open spaces.

4.8 Although forming part of the Development Plan, the Government's intention to revoke Regional Spatial Strategies is a material consideration. Nevertheless, relevant policies within the Regional Spatial Strategy include:

- SS1 – Achieving Sustainable Development; and
- SS7 – Green Belt

District Plan

4.9 The Welwyn Hatfield District Plan (2005) is the statutory development plan for the area and will remain a statutory approved Development Plan until it is replaced by appropriate sections of a formally adopted Local Development Framework.





4.10 The site (outlined in red, above) is allocated on the UDP Plan Proposals Map as within the Green Belt.

4.11 Of the policies saved in the Local Plan, the following have been identified as of relevance:

- GBSP1 – Definition of Green Belt
- RA10 – Landscape Regions and Character Areas
- R3 – Energy Efficiency
- D1 – Quality of Design
- D2 – Character and Context

Other Material Considerations

4.12 The Council is committed to replacing the existing Local Plan with a new Local Development Framework (LDF). They have produced various LDF documents to date. However, these documents are insufficiently advanced to be material considerations in the assessment of development proposals.

4.13 Supplementary Design Guidance which contains guidance on residential extensions was produced by the Council in February 2005 and is a material consideration.

4.14 Given the location of the property in the Green Belt, 'Planning Policy Guidance Note 2 - Green Belt' (PPG2) is a material consideration. 'Planning Policy Statement 7 - Sustainable Development in Rural Areas' (PPS7) is also relevant because it provides guidance on developments within locally designated areas.

5. Planning Analysis

5.1 This section seeks to assess the acceptability of each element of the proposed application scheme from the proposed use, the nature and scale of built development proposed. The informal pre-application discussions have established



that there is no impact on neighbouring residential amenity or parking and that in principle the replacement of the garage with one of similar size would be acceptable.

- 5.2 The key issues in the determination of the planning application are considered against the test of reasonableness in planning terms and against planning policy compliance and any other material considerations where relevant. These are discussed in detail below.

Principle of Development / Impact on Green Belt

- 5.3 PPG2 confirms that extensions or alterations of an existing dwelling are not inappropriate development, providing that they do not result in disproportionate additions over and above the size of the original dwelling. There is no definition of what constitutes a disproportionate addition and interpretations are mixed.
- 5.4 In addition, the policy requirements in the form of District Plan Policy RA3 seeks to ensure that any extension will not result in a disproportionate increase in the size of the original dwelling and that there is no adverse visual impact in terms of prominence, size, bulk and design but offers no insight into proposals for boundary walls.
- 5.5 The 2005 Supplementary Design Guidance contains detailed guidance on the requirements for residential alterations but again offers no policy guidance on boundary walls.
- 5.6 The proposed development is therefore not considered to be harmful to the openness of the Green Belt or the purposes of including land within in and is consistent with the neighbouring properties in The Ridgeway which have similar boundary treatments.



- 5.7 It is our view that the proposed development is therefore consistent with national and local planning policy.

Design / Sustainability

- 5.8 Policy D1 of the Local Plan requires that the standard of design in all new development to be of a high quality and that the design of new development should incorporate the design principles and policies in the Plan.
- 5.9 In addition, Policy D2 states that the Council will require all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.
- 5.10 The proposed boundary wall will be of a high standard of design and will be in keeping with both the existing dwelling and the neighbouring properties and will be consistent with the adjoining property.



5.11 As the proposed development is a boundary wall there is no opportunity to introduce sustainable technologies.

Accessibility

5.12 Access to the property will not alter as a result of the proposed development but security measures will be increased and prevent unauthorised access.

5.13 Parking arrangements will not be impacted.

6. Summary and Conclusions

6.1 Applying the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 it is considered that the proposals are compliant with the relevant provisions of the development plan and do not contravene national planning policy guidance on development within the Green Belt. Accordingly it is our view that there is no policy justification for refusing planning permission and approval is therefore justified.

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