

**HOUSEHOLDER PLANNING APPEAL
THE WARREN, 8 CARBONE HILL, POTTERS BAR , EN6 4PL**

G GROUNDS OF APPEAL

Attached to this detailed Statement of Grounds of Appeal are the following numbered documents

- (1) Location Plan at a scale of 1:2500
- (2) The Application submitted on the 22nd October 2013
- (3) Plans submitted with the current Application/Appeal
- (4) Roof plan and covering note to the Planning Department submitted at their request
- (5) Refusal Notice dated 20th December 2013 with Delegated Report
- (6) Plan of 1992 Application submitted by Mr & Mrs N Englander and approved
- (7) Decision Notice sent to Mr & Mrs Englander in 1992.
- (8) Decision Notice Plan and Application submitted in 1993 by Bruno Cappuccini – approved and implemented.
- (9) Ordnance Survey map from 1896 - 1974 showing progression of development along Carbone Hill
- (10) Landmark site plan 1938
- (11) Calculations showing the previous addition after the previous two properties had been converted into a single dwelling to show the percentage increase of the current proposals over the original dwelling.
- (12) Bat Survey

INTRODUCTION

The Appeal property 8 Carbone Hill is situated in the Metropolitan Green Belt. It is located within its own very substantial grounds and within an area characterised by large dwellings in their own substantial grounds both along the Ridgeway and along Carbone Hill.

The appeal property both as it stands at the moment and as it is proposed to be modestly extended will still be considerably smaller than many of the substantial properties in the area.

Given the modest nature of the proposed extensions which comprise essentially infilling to the existing elevations, will have no effect whatsoever on neighbouring residential amenity; nor will they have any impact on the openness of the Green Belt.

MAIN ISSUE

The Policy context for consideration of the Appeal is Policy Advice contained in the National Planning Policy Framework and Welwyn Hatfield District Plan 2005 relating to the extension of dwellings in the Green Belt.

The NPPF is more up to date than the Local Plan and provides at paragraph 89 that:-

“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”

is not inappropriate development in the Green Belt.

The main issue for this appeal is therefore whether the current proposals result in disproportionate additions over and above the size of the original building.

The second issue is whether the scale of the proposal would have a detrimental impact on the openness of the Green Belt and surrounding area.

Whilst there is also a ground of refusal related to the absence of a bat survey, a bat survey is included with the appeal documentation and the recommendations in that survey can be the subject of a condition attached to any Planning Permission granted on Appeal.

THE ORIGINAL DWELLING

As can be seen from the Delegated Committee Report (doc 5) the Council has calculated the floor area of the original dwelling as it existed in 1948 as approximately 162 square meters. It then takes the floor area of the existing dwelling as approximately 370 meters and computes that that is 128% increase over and above the original dwelling. Similarly in terms of footprint it calculates that the dwelling has increase from approximately 81 square meters to 196 square meters equivalent to 142% increase over and above the original dwelling.

It should be explained at this stage that the applicants submitted the Appeal application themselves without professional assistance. They did not submit any calculations of percentage increase. They assumed that the Grant of a Planning Permission would be a formality. The reason for this assumption was that an application was submitted by Mr & Mrs N Englander in 1992 and approved by the Council (doc 6). This Application included all the elements of extension proposed in the current application and appeal together with further proposals. Because that scheme was approved by the Council in the Metropolitan Green Belt, and without there being any subsequent major changes to Green Belt Policy, then the applicants

assumed, wrongly in the event, that the grant of Planning Permission would be a formality. They deliberately adopted elements of the approved 1992 scheme to ensure, as they thought, that there would be no objection to their proposal.

The LPA's calculation of the original dwelling is wrong.

An examination of the Ordnance Survey Maps from 1896 to 1974 (doc 9) shows that there was no development at all along Carbone Hill prior to the 1935 Ordnance Survey. It will be seen in the 1935, (x2) and 1938 Ordnance Survey Plans that there are two buildings on the appeal site. They may not at that stage have been two dwellings. We say that because the two buildings are in close proximity; one is smaller in scale than the other; and there is no boundary division between the two. However at some stage they became two separate independent dwellings.

It would appear that the two separate buildings were created as two separate dwellings in the 1940s. The gap between the two dwellings was then infilled in the early 1950s by the construction of a garage block (probably two garages, one serving each dwelling).

Those two separate dwellings now joined by the garage block were then converted to a single dwelling sometime thereafter and it is that single dwelling which is the original dwelling for the purposes of calculating whether any additions are disproportionate. Before that there was no single dwelling which could have formed the original dwelling.

There is an important plan attached to the application submitted by Mr & Mrs Englander in 1992 (doc 6). It is the existing layout plan drawing number H/010/1. The ground floor plan clearly shows that the two buildings on the Ordnance Survey plans of 1935 and 1938 are there represented, but with a central infill (garage, greenhouse, store, lobby and loggia). The smaller former dwelling contains a kitchen, cloakroom, hall and lounge at ground floor level with a landing bathroom and bedroom on the first floor. The other larger original dwelling also contains all the elements of an independent dwelling being a hall, kitchen breakfast room, dining room, sitting room and some loggia at ground floor and various bedroom and bathrooms on the first floor. Each had its own external door.

Ignoring the central infill the outline of the two former dwellings is precisely the same outline as shown on the detailed 1935 Ordnance Survey Plan.

In summary what has happened is this. Sometime prior to 1935, but after 1916 two residential buildings were erected on what is now The Warren, 8 Carbone Hill. At the date of construction it may have been two dwellings, or, more likely, one dwelling with a substantial outbuilding. At some later date, but certainly no later than the 1950s two independent dwellings were created. Again no later than the 1950s a

garage infill between the two dwellings was created. Whether that infill was at that stage one storey or two storey is not known because there are no planning records for it. By 1960 however, which is the date at which the current property became known as The Warren, there was a single dwelling on the site. This is represented on all the Ordnance Survey Maps of 1960 and thereafter which clearly showed a single dwelling.

It can also be seen from the post 1960 OS Plans that the strip of woodland between the appeal property and Carbone House at the crossroads became incorporated within the curtilage of the appeal property in one of the two 1970 Ordnance Survey extracts and thereafter appears consistently as part of the curtilage of the appeal property and not as a separated strip of woodland.

It is not known on what basis the Council has made its calculations. No criticism is made of the Council. It requires a detailed analysis of the planning history to appreciate that the "original dwelling" for planning purposes was only created when the two previous existing dwellings, having been joined by a garage block were then converted to single dwelling use. None of this detail was submitted with the Planning Application because the appellants had simply not appreciated that there was going to be any difficulty in obtaining a planning permission for a smaller scheme than the scheme that had been approved in 1992 but containing only elements of that larger scheme.

Before moving on we draw attention to the Landmark historical map of 1938 (doc 10) which again shows the two buildings although they appear on that plan to be of a more equal size.

The floor area of the original dwelling, created as described as above was 445.8 square meters (doc 11). This is computed from the ground and first floor plan on the 1992 Englander proposal (doc 6).

EXISTING ADDITIONS TO THE ORIGINAL DWELLINGS

After the original dwelling was created (between 1950 and 1960) planning permission was granted to Mr & Mrs Englander in 1992 (doc 6). However that proposal was not implemented. Instead the property was sold and in 1993 an application was submitted by Bruno Cappuccini (doc 8). That contained a kitchen bay of 14.95 square meters, a porch of 4.592 square meters and a sun loggia of 13.667 square meters. Those additions totalled 33.209 square meters (doc 11). Each of those elements can be seen on the "ground floor plan as proposed" – drawing 1784.01/C attached to the Cappuccini bundle (doc 8). The sun loggia is at the top right of the drawing the kitchen bay at the top left of the drawing and the porch at the bottom right of the drawing.

Those proposals totalling 33.209 square meters have all been implemented and are existing additions to the original dwelling.

PROPOSED ADDITIONS IN THE APPEAL PROPOSAL

The Appeal plans show a front infill of 38.25 square meters floor space a front right hand corner infill of 22.80 square meters and a minor living room extension of 2.57 square meters. This totals 63.62 square meters (doc 11). As can be seen from doc 11 the original dwelling of 454.8 square meters has been extended already by 7.44% and is proposed to be extended further by 14.2% making a total extension over the original dwelling of 21.64%.

WHETHER THE PROPOSED INCREASE OVER THE ORIGINAL DWELLING OF 21.64% IS DISPROPORTIONATE

It will be appreciated that a proposed total increase of 21.64% over the original dwelling is modest. Many Local Authorities used to have a rule of thumb that 25% increase was acceptable and, depending on the proposals themselves up to 40% may be acceptable. It is submitted that a proposed total increase of 21.64% cannot be regarded as disproportionate.

However that is to deal only with the mathematics. What is important, against the background of that modest percentage increase is the proposals themselves.

The key element of the appeal proposals is the infill at the front between the two gables. It will be appreciated on the site visit that at present the property has no proper front door. That is a reflection of the fact that it was originally two dwellings with a garage infill. The proposed extension therefore provides the property with a proper central front door. It also provides an entrance hall. Essentially, the infill takes place without extending the front elevation further forward with the exception of the front door area itself which extends marginally beyond the existing front elevation.

Secondly, the right end front corner, is essentially an infill between the existing front and side (South) elevations.

Thirdly, the small extension to the living room which is designed to "square off" the living room accommodation is again essentially contained within existing elevations.

The importance of all this is that the dwelling does not extend the existing dwelling any further into the existing residential curtilage, the countryside, or the Green Belt. It will have a nil impact on the openness of the Green Belt as the house is completely screened by wooded areas. The extensions simply "square off" the existing house.

OTHER POLICY CONSIDERATIONS

We have sought to demonstrate that the proposal does not constitute a disproportionate addition to the original dwelling house and is, therefore, appropriate development in the Green Belt both in terms of the NPPF and the Welwyn Hatfield District Plan 2005.

We have also sought to demonstrate that the scale of the proposal would not have a detrimental impact on the openness on the Green Belt and the surrounding area by virtue of the fact that the extended dwelling will be entirely representative and characteristic of development in the area, being a large dwelling on a substantial plot, and further that the proposed extensions are minor "squaring off" proposals which do not extend any elevation of the existing property substantially beyond the existing elevations.

The Delegated Report also criticises the "large flat crown roof" proposed between the proposed ridge above the front extension and the existing ridge. The proposal could have contained a further ridge with a central valley between the two ridges. This solution was avoided to prevent water collection problems in the valley between the two ridges and the architectural advice received by our client was that the proposed flat crown roof is an entirely appropriate architectural solution which will not be visible from anywhere and therefore not give rise to any adverse impact. It is not symptomatic of a disproportionate extension because the height of the dwelling will not increase at all and there is no prospect of further accommodation in the roof space. It is simply a practical and architecturally acceptable solution to avoid water ingress problems in the future.

Because the development is appropriate development in the Green Belt, no very special circumstances are required to outweigh harm and justify the proposal. No very special circumstances are, therefore, claimed.

THE BAT SURVEY (DOCUMENT 12)

The summary concludes that :-

1. The inspection of The Warren identified the loft cavity as an occasional summer (non-maternity) roost for bats of indeterminate species and the existing roof as a potential summer roost. In the light of the surrounding area and the available local resources, these features were considered of low conservation significance.
2. The proposed extension to the warren will cause a temporary disturbance to the loft cavity and roof. As the existing roof and loft cavity is to remain largely

unaltered following completion of the works, there will be no long term impact of the works on the current bat resources.

3. Mitigation should either involve undertaking the works during the period 1st September to the 1st of May, or follow precautionary measures and mitigation which it outlined in Section 4.3 of the Report.
4. The extension will provide additional tiled roof and associated loft cavity. Consequently, the extension will represent a residual net benefit for the local bat population in terms of resources.
5. The Inspector is invited to attach a Condition to any Planning Permission granted on this Appeal in terms of the three recommendations set out at 4.3 of the Bat Survey