

PLANNING STATEMENT

Proposed Replacement Dwelling

Site at:
125 The Ridgeway
Northaw
Potters Bar
Herts
EN6 4BG

For:
Mr S Nash

*Statement prepared by
Steven J Barker MA (Cantab) MA MRTPI
Director of
Barker Parry Town Planning Ltd
33 Bancroft, Hitchin,
Herts SG5 1LA*

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Barker Parry Town Planning Ltd
33 Bancroft, Hitchin, Herts SG5 1LA
Tel: 01462 420 224
Fax: 01462 420 171
Email: office@barkerparry.co.uk

1.0 **INTRODUCTION**

1.1 This statement accompanies a detailed planning application which proposes the replacement of the existing dwelling at 125 The Ridgeway. The site has relevant planning history, because two previous proposals for replacements have been considered over the last twelve years and a pre-application submission was made in late 2014.

1.2 That submission (with attachments) and the response, are both attached as **Appendix 1** and will form the basis of the discussion section below. It is worth noting at the outset that despite drawing attention to the planning history, which includes an LDC for extensions to the existing dwelling and the two refused/dismissed schemes, none of this was considered (the previous applications merely itemised in 'history') in the response. It is contended that these are significant material considerations.

1.3 Before describing and assessing the proposal, a brief site description and review of planning policy follows.

2.0 **SITE DESCRIPTION**

2.1 The Ridgeway is a long ribbon of mostly single sided (south) residential development, which extends westwards for almost 0.9 miles (1.5km) from the edge of the settlement of Cuffley. This is a large village, with a range of facilities, including a railway station.

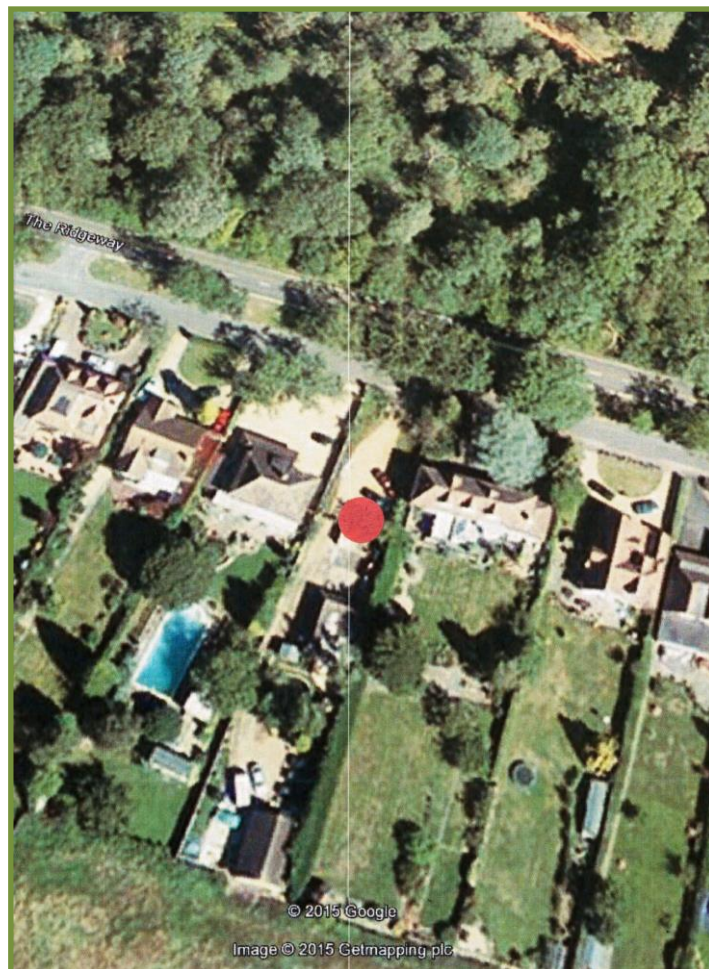
2.2 The housing along The Ridgeway dates from the inter-war years and third quarter of the 20th century. The properties are mostly detached and stand on long, but generally relatively narrow plots and range from bungalows to large houses, many of which have been extended, remodelled and replaced over the years.

2.3 No.125 is a modest bungalow. It is set half way back on its (0.13ha) plot and sited behind the rear walls of the two neighbouring dwellings. The area in front of the dwelling is given over to parking and manoeuvring and there are a few immature conifers along the boundary with No.123. No.123 is a large extended house, which fills the width of its plot and No.127 is a similarly large detached house.

2.4 Previously, (as can be seen referred to in the 2009 appeal decision – below) there was a wall and large double gates which blocked views of No.125 from the road, but these

were removed and the bungalow can be seen in the street scene from both the main road and the slip road, which serves the properties. There are highways trees along The Ridgeway and it is a typical low density, sylvan suburban setting.

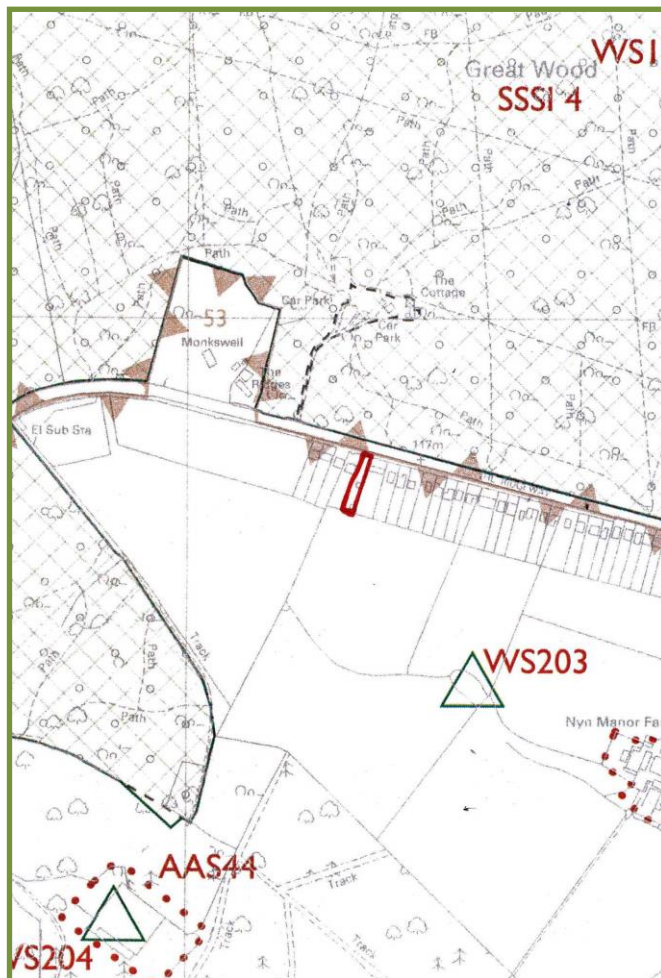
- 2.5 The rear garden of the application site is occupied by an annex, which is as large as the main dwelling, noticeably taller (5.14m from ground to ridge) and is located tight up against the rear (southern) boundary of the plot. The vehicular access and gravel surface extends all the way back to the annex and highlights that the site falls gently front to back (80m in depth), with the crossover to the road being some 2m higher than the rear of the site. There is a group of trees between the dwelling and the annex of up to 8m in height (as recorded in 2008), as well as a tree in the garden of No.127. These are trees 12, 14, 15 and 16 on the survey drawing (13 and 17 have been removed).
- 2.6 The Google Earth aerial image scanned in below shows No.125. The red dot marks the location of the proposed dwelling and all the features referred to above can be seen clearly.



3.0 PLANNING POLICY

3.1 The statutorily adopted Development Plan comprises solely of the saved policies of the Welwyn Hatfield District Plan 2005, adopted in April of that year. It is an 'old style' (pre the LDF system) plan, which meant that immediately upon the 2012 advent of the NPPF, its policies had to be weighed in terms of consistency with the framework and this remains the case until the emerging Local Plan is examined and adopted.

3.2 An extract from the Local Plan Proposals Map 5 is scanned in below with the application site edged in red. As can be seen the site, and all that ribbon of development of which it is a part, is washed over by the Metropolitan Green Belt. The site is part of the extensive Northaw Common Parkland Landscape Character Area (dog tooth edging/53) and opposite the Great Wood SSSI (diamond hatching). The only other nearby notations are Wildlife Sites (WS) and an Area of Archaeological Significance (AAS).



3.3 The most relevant policies were identified in the pre-application process as:

- D1: Quality of Design
- D2: Character and Context
- D8: Landscaping
- M14: Parking Standards
- R11: Protected Species
- SD1: Sustainable Development
- RA4: Replacement Dwellings in the Green Belt
- RA10: Landscape Regions and Character Areas

3.4 Policy RA4 is the most relevant policy concerning the principle of what is proposed and it is scanned in over. As is acknowledged by the pre-application response, it must now be examined for consistency with the NPPF and this makes it clear that the reference point for a **replacement** dwelling, as opposed to extensions to a current dwelling, is not the dwelling as originally built, but as it is now.

Rural Areas

Replacement of Dwellings in the Green Belt

- 15.10** The overriding presumption is against inappropriate development within the Green Belt. There are however certain circumstances where the Council considers that it is acceptable to allow the replacement of an existing dwelling. For example, the dwelling may be structurally unsound or incapable of habitation.
- 15.11** In order to safeguard the Green Belt, any replacement dwelling should have no greater impact on the surrounding area than the original. The attractiveness of the rural landscape and local distinctiveness of the area can be harmed by inappropriate urban or suburban design. Therefore, any replacement dwelling should reflect its rural setting in terms of scale, design, materials and location.
- 15.12** Where the original dwelling has already been extended permitted development rights will normally be removed and any subsequent proposals for extensions to the replacement dwelling will be considered against Policy RA3.

Policy RA4

Replacement of Dwellings in the Green Belt

Permission for replacement dwellings within the Green Belt will not be granted unless all of the following criteria are met:

- (i) The replacement dwelling would not materially exceed the size of the original dwelling in terms of its floorspace, height and volume (existing outbuildings (including detached garages) will not contribute to the calculation of the size of the replacement dwelling except in very exceptional circumstances);**
- (ii) The proposed dwelling would have no greater visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development of the surrounding countryside;**
- (iii) The proposed dwelling is designed to reflect the character and distinctiveness of its rural setting and to accord with the design policies elsewhere in the plan and the supplementary design guidance.**

Policy RA4

Replacement of Dwellings in the Green Belt (cont)

Permitted development rights may be removed from the replacement dwelling where its volume is similar to that of the original dwelling and the original dwelling has already been extended.

Supplementary Documents/Guidance

- 3.5
- Supplementary Design Guidance – February 2005.
 - Supplementary Planning Guidance, Parking Standards – January 2004

National Policy and Guidance

3.6 The National Planning Policy Framework (NPPF) was published in March 2012 and its companion document, the National Planning Policy Guidance (NPPG), in March 2014.

3.7 The NPPF is to be read as a whole and rests upon the planning system creating development which is economically, socially and environmentally sustainable. This includes the protection of Green Belt land, but paragraph 88 itemises development which is not inappropriate, including:

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”.*

3.8 As described above, paragraph 215 confirms that due weight should be given to saved Local Plan Policy RA4 according to its *“degree of consistency with this framework/the closer the policies in the plan to the policies in the framework, the greater the weight that may be given”.*

3.9 This is alluded to, indeed acknowledged in the pre-application response, but the narrative still refers to the *“original”* building and the text of the policy includes ‘visual’ and ‘design’ criteria, which go beyond strict Green Belt criteria, but rather apply to all development in ‘rural’ areas.

ASSESSMENT AND DISCUSSION

4.1 As indicated above, it is probably most useful to follow the structure of the pre-application response and comment and respond as appropriate. It is as follows:

Appropriateness of Development

4.2 Appropriateness is defined in national Green Belt legislation as most recently updated and rationalised in the 2012 NPPF. As set out above, it is quite clear that the

construction of new buildings in the Green Belt is inappropriate, save for six exceptions, which include a replacement in the same use and not materially larger than the one it replaces. This policy takes precedence over Local Plan Policy RA4, which refers to the original building. This did appear to be acknowledged in the pre-application response although the conclusion was that the (then) proposal would be "*disproportionate to the original*".

- 4.3 In assessing the proposal, the response took no account of the CLOPUD granted in 2009 to extend the existing building, somewhat strangely suggesting that for permitted development to be a valid fall back, an LDC should be secured. The March 2009 LDC post-dates the radical 2008 amendments to the 1995 GPDO and whilst it (the GPDO) has been amended since (most recently with the April 2015 consolidated update), the principles have not changed since 2009 in respect of extensions to this property. Indeed, arguably the 'Prior Approval' pd rights, allowing 8m rear extensions, could well increase what is permissible without recourse to a full planning approval and all that this would entail.
- 4.4 It is contended that these lawful extensions, which are clearly realistic and capable physically of being executed, should be a fall-back or base line against which to judge the current application. It has been used in the calculations for comparative purposes of the various numeric calculations which are indexes to assess whether something is in fact materially larger.
- 4.5 In this regard, the current proposal has been **reduced** in size from that featuring in the pre-application, as comparison of the two sets of plans will reveal. The width of the proposal remains the same, but its depth is reduced so that all rooms, bar the fourth bedroom and study, are noticeably smaller in area. As a consequence, the building footprint has been reduced from 158m² to 143m² (a 9.5% reduction) and is now less than the existing dwelling as it can be lawfully extended (156.2m²).
- 4.6 In terms of height, both the existing dwelling and the existing dwelling as it may be lawfully extended, has an eaves height of 2.4m and a ridge height of 3.9m. The latter is an "*all round*" measurement, because in both instances the building has a recessed flat roof fringed with a ridged edge. The maximum height of the roof of the proposal would be 5.3m to the highest ridge with eaves comparable with the existing building above ground level at the front (north). At the rear, the same ridge would be 5.9m above ground level, occasioned by both the gentle fall and a proposed 350mm (14")

localised levelling of the ground. In terms of visual impact, this is discussed further below.

- 4.7 In terms of floorspace, the existing building has one floor of accommodation, so the footprint and the floorspace are the same. The proposal has two floors, so the floorspace would be twice the footprint at 286m². The lower ground floor or basement would, however, as its name implies, be principally below the prevailing ground level and only breaking cover to the rear (south). Were there no basement and localised lowering, any dwelling would still be slightly "*out of the ground*" at the back. In this regard, it is noted that in similar circumstances (for example the recent approval at 21 The Ridgeway – S6/2014/1407/FP) you disregard basement space when calculating and comparing floorspaces, so that in this case, it is clear that the floorspace is in "*Green Belt terms*", like the footprint, less than the existing building, as it can be lawfully extended.
- 4.8 The basement accommodation would receive natural daylight via lightwells, which it is proposed would be enclosed by simple glazed screens with vegetation planted up to them. Again, we know that you have found this arrangement to be acceptable in recent schemes, Springfield, 10 Danesbury Park Road (N6/2012/2601/FP), High Trees, Leggats Park (S6/2011/1210/FP) and 5 Pennyfathers Lane, Welwyn (N6/2012/2397/LB – a large extension with a basement) are three such recent proposals, which come to mind.
- 4.9 On the matter of volume, it was suggested that should an application be forthcoming, then it would be useful for the proposed volume above ground level to be provided. These calculations have now been carried out for this smaller proposal and the existing dwelling has a volume of 480m³ and the proposed dwelling (above ground) of 580m³ or a 21% increase.
- 4.10 As the pre-application response recognises, these indexes are not conclusive as the NPPF test is primarily subjective, but it is clear from the above calculations, which are now complete (ie footprint, height, floorspace and volume), that this smaller proposal cannot reasonably be considered disproportionate and, therefore, definitionally harmful. To recap, the footprint and above ground floorspace would be less. The volume above ground would be just 21% greater, the eaves a comparable height and the highest part of the roof only 1.4m higher (front) than the uniformly high existing building.

Purposes of Including Land in the Green Belt

- 4.11 It was concluded that the proposal would not compromise any of the five purposes of the Green Belt and furthermore, that by re-siting the replacement dwelling "*adjacent to existing built form within the street scene*", it would not impact significantly in terms of encroachment. The same consideration must apply to this now smaller proposed replacement.

Impact upon Openness of the Green Belt

- 4.12 This assessment appeared to be based on the assumption made about the proposal and the existing dwelling in terms of "*built form*". For all the reasons set out above, it is not accepted that the increase in built form now proposed (with calculations) would materially compromise the openness of the Green Belt. Indeed, aligning the replacement dwelling, with others in the ribbon of housing would, as appears to be acknowledged above, contribute to openness, by having a consistent building line as opposed to the discordant step caused by the existing dwelling.

Impact on Character and Appearance and the Visual Amenity of the Green Belt

- 4.13 Notwithstanding the fact that the purpose of designating a Green Belt is not (and despite some of the clauses in Local Plan Policy RA4) for reasons of "*visual amenity*" and that Local Plan Policies D1 and D2 are district-wide 'Design' policies, the concerns raised at the pre-application stage under this heading are now considered.
- 4.14 Although acknowledging that moving the replacement dwelling to a location between Nos.123 and 127 The Ridgeway could be a benefit in terms of Green Belt openness, there would appear to be a street scene objection in terms of the closing of the gap and the resultant building to boundary gaps. As a matter of fact the latter, neither on the pre-application scheme nor the current application, are not less than 1m. The proposed gap would be a minimum of 1m and as much as 2m between the side of the proposed building and the common boundaries with the neighbours. This can be confirmed on application drawing 04d and which also shows typical gaps for the immediate neighbours; most of which, as elsewhere in The Ridgeway, have been extended sideways towards the plot boundaries.

4.15 Re-siting the replacement dwelling would do nothing whatsoever to upset the rhythm of the street scene as alleged. Conversely, as discussed above in Green Belt terms, the existing dwelling is 'out of tune' with all the other development in The Ridgeway and, if now proposed on a vacant plot, would undoubtedly be resisted for this very reason and others; including matters of privacy and amenity, which are explored further below. In terms of views from the open Green Belt and countryside to the south there are no public vantage points. If there were, the replacement dwelling would be further away. There are also intervening trees, both within and adjacent to the site, and the existing annex which are up to 8m (12m in the case of the tree at No.127) and over 5m tall respectively. This puts the likely visual impact of the proposal in context

Very Special Circumstances

4.16 The permitted development point is considered above. This is not a 'VSC' it is a matter of fact which cannot, and should not, be ignored in the proper consideration of this application. It is a material consideration, as was acknowledged in the October 2009 appeal decision. Indeed, the Inspector compared the appeal proposal with the fall back before, concluding that the proposal, then under consideration, would have "*less perceived impact*".

4.17 Again, this is not a VSC, but the Inspector's findings are important material considerations and have informed the submitted scheme from the outset. As can be seen from the application drawings (03b), the profile of the current single storey (above ground) dwelling is considerably different and lower than either of the dismissed appeal schemes and much more closely aligned with the existing dwelling endorsed by the last Inspector as a justifiable fall back. These proposed two storey houses were also sited between Nos.123 and 127; a matter discussed further below.

4.18 The pre-application conclusion was muddled. On the one hand the proposal was considered not to result in detrimental harm to the Green Belt and the purposes for designating it, but this notwithstanding, it was materially larger and would harm the visual amenity and openness.

4.19 This notwithstanding, the current proposal subject of this application is a) smaller and b) accompanied with all possible numeric calculations to show the increase in size. It is contended that this increase in numeric terms is not material and, therefore, it is not 'definitionally' harmful and is therefore appropriate. It is also contended that it would

improve, rather than detract from the openness, "*visual amenities*" and "*character*" (to which RA4 refers) of the Green Belt.

- 4.20 On a related point, the existing outbuilding at No.125 is an annex, the siting and use of which is lawful and the applicant has no wish to remove it. On the matter of replacing the existing main dwelling in situ unless there are any benefits in terms of the amenities, privacy, etc of the near neighbours then, given the Green Belt benefits, there seems no logical reason to consider this as an alternative as was suggested in the pre-application response.

Impact of the Residential Amenity of Adjacent Properties

- 4.21 Other than itemising the two previous proposals for replacements, these proposals and the findings of the Inspectors appear not to have been considered in assessing impact in terms of either the Green Belt or the nearest neighbours. As is quite clear, each of those two storey dwellings was proposed to be sited in a similar location to the current proposal and they are plotted on application drawing 04d. Drawing 03b clearly shows the profiles of the earlier proposals.
- 4.22 The 2003 appeal Inspector specifically addressed the impact of a two storey dwelling on both Nos.123 and 127 and did not find it wanting. In considering the smaller two storey dwelling in 2009, the Inspector concluded similarly. The current proposal is now single storey with a shallow pitched roof with a ridge running back to front. The smallest and lowest roof slope presents to No.123 and is up to 2m from the common boundary, so it is not understood how it could materially and adversely impact upon No.123 and certainly not in comparison to the earlier two storey houses proposed, which did not fail for this reason.
- 4.23 The other benefit of this re-siting is that as the front of the proposed dwelling is now forward of the rear elevation of both Nos.123 and 127, there is no risk of overlooking in either direction and the rear views from Nos. 123 and 127 are no longer down to the front elevation, door, etc of No.125. The large existing parking area, which can accommodate upwards of ten cars and protrudes well beyond the rear of the neighbours, would also be removed as would the ability, as now, to drive vehicles the length of the garden at No.125 to the annex. These are all considerable amenity benefits for the nearest neighbours. Furthermore, the fact that the vehicular access and

surfacing and the vehicles themselves, will not be able to progress beyond the re-sited dwelling is also a benefit to Green Belt openness.

Other Material Considerations

- 4.24 As is clear, the pre-application assessment failed to pay regard to either the LDC or the earlier appeal decisions, each of which is very material to the current proposal. The proposal would reduce parking at the site, whilst still providing adequate space for vehicles to park and manoeuvre within the plot. There is also scope for new hard and soft landscaping and, of course, any approval would need to include provision for the entire removal of the existing dwelling as part and parcel of the redevelopment proposal. This can be secured by an appropriately worded condition.

5.0 SUMMARY AND CONCLUSIONS

- 5.1 There is an in principle acknowledgement that a replacement dwelling need not be inappropriate, subject to satisfying the material increase in size criterion from the NPPF. Again, it is acknowledged that this can be both quantitative and qualitative.
- 5.2 From a quantitative perspective, both the pre-application submission and both of the previous schemes set a benchmark. The latter were deemed to be too big and have too greater impact on the Green Belt by Inspectors; the former by the Council.
- 5.3 The current proposal is smaller than the pre-application scheme. From a quantitative perspective it has a smaller footprint and floor space than the existing dwelling (as capable of lawful extension), its volume above ground is only 21% greater and the height increase, over and above a very low existing structure, is a modest 1.4m to 3.0m; significantly less than the two dismissed schemes.
- 5.4 Basements are not included in calculations for Green Belt purposes (21 The Ridgeway) and lightwells are acceptable to afford natural light to the basement. This treatment has been acknowledged as reducing both the quantitative and qualitative impact. It is contended that the proposal is not materially larger and would not therefore be definitionally harmful and inappropriate.
- 5.5 In qualitative terms, the proposal would move development within the site, taking it away from the open Green Belt/countryside to the rear (south) of the site. It would

accord with the built rhythm and by removing the full depth driveway and parking areas, would make the site less urban and more open.

- 5.6 In terms of views from the Green Belt, the re-sited bungalow would not only align with two much larger and taller houses, but also separated by a group of trees up to 12m tall and the annex, which is taller than the existing bungalow owing to its having a proper pitched roof. From ground to ridge it is only 0.27m-0.7m less tall than the application proposal, but it is sited on the site boundary as opposed to a position between the neighbouring houses. This is the context in which to assess the actual, physical or visual impact and the proposal is clearly much lower than its two storey neighbours.
- 5.7 For all the foregoing reasons, the scheme is commended for approval having regard to all relevant, up-to-date policies and other material considerations including the planning history at the site.