

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2007/0422/MA
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NOTATION:

The site lies within Brookmans Park as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

Mymwood House was built as a residential dwelling around 1820 and is a two-storey, detached, white rendered building with a pitched slate roof. Mymwood House has a single storey, flat roofed extension to the rear. The building has been used as a residential care home for the elderly since the mid-1980's and before this had been used as a boarding school from the 1930's. Mymwood house is set back from the highway by approximately 65m. To the front of the site is a detached building Mymwood Lodge. Both Mymwood House and Mymwood Lodge are Grade II Listed Buildings. The site lies within the Metropolitan Green Belt and to the east of the settlement of Brookmans Park.

The site slopes upward from the west to the eastern boundary of the site and Mymwood house is set on an excavated ground level. To the east of the site is an adjacent residential development (Lysley Place). The nearest property to the proposed development, which lies beyond the eastern boundary, is 'The Barn'. To the eastern boundary of the plot is a tall brick wall, which varies in height. The site has several mature trees some of which are protected. Clusters of large trees lie to the front (south) of the plot and beyond the rear of Mymwood House to the east.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the demolition of an existing single storey prefabricated extension and the construction of a part single and part two-storey rear extension to accommodate a 13 new bedrooms and an associated accommodation. The proposed extension would be L-shaped around a court yard area.

The proposal would have a maximum depth of 29m to the eastern flank and a width of 24.5m. Due to the alterations in ground level across the site some of the proposal would be set into the ground and the height of the proposal would vary depending on where it is measured from. The two-storey element of the proposal would be to the east and measure 29m in depth by 9m in width with a pitched roof to a height of 7.2m at the rear. The single storey areas of the proposal would connect the main extension to the existing building and form an area to the south of the proposal. The single storey extensions would have a maximum height of 4.9m to the rear. To the western side of the development a set of railings would be erected with a dwarf wall and brick pillars, this addition would measure 17.8m in width, with 6 pillars to a maximum height of 2.2m. The proposed railings would create an enclosure for the courtyard area and connect the proposed development to the main house.

The previous refused application comprised a 13 bedroom unit, which would have provided separate rooms for the existing and for one addition resident. The current application comprises a 13 bedroom unit, which would allow separate rooms for the existing and four additional residents.

PLANNING HISTORY:

S6/1983/592/FP – Change of use from school house to office – Refused.

S6/1984/519/FP – Change of use from school to residential home for the elderly – Granted.

S6/1985/601/FP – Construction of fire escape stairs in connection with change of use of existing building to old people's home – Granted.

S6/2005/225/FP – Alterations and Extensions to Care Home – Refused for the following reasons:

1. The site is within the Metropolitan Green Belt in the Hertfordshire County Structure Plan Review 1991- 2011 and the Welwyn Hatfield District Plan 2005, wherein permission will only be given for erection of new buildings or the use of existing buildings or land for agricultural, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is an inappropriate use within the Green Belt. On account of its design, size and location the extension would be prominent and therefore detrimental to the open character of this area of the rural Green Belt. This is contrary to Policy 5 of the Hertfordshire County Structure Plan Review 1991-2011, Policy RA1 and CLT17 of the Welwyn Hatfield District Plan 2005 and the advice contained in PPG2. The proposed development cannot be justified in terms of the purposes specified and no exceptional circumstances are apparent in this case.
2. The proposed extension is not designed to complement and reflect the design and character of the existing building. The proposal fails to comply with Policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance (Statement of Council Policy).

S6/2005/226/LB – Alterations and Extensions to Care Home – Refused for the following reason:

1. The design, scale and location of the proposed extension fail to respect the character, appearance, setting and historic form of this Grade II Listed building. This is contrary to Policy R25 of the Welwyn Hatfield District Plan 2005.

Applications S6/2005/225/FP and S6/2005/226/LB were subsequently dismissed at appeal. The Inspector's decision gave allowance for the development within the Green Belt due to very special circumstances, but did not accept the design or the proposal's relationship with the existing Listed Building.

S6/2007/421/LB – Removal of pre-fabricated buildings and erection of extensions to provide 13 additional bedrooms and ancillary accommodation – Listed Building application pending consideration.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

Hertfordshire Structure Plan Review 1991 – 2011:

Policy 5: Green Belts

Policy 38: Critical Capital and Other Environmental Assets

Welwyn Hatfield District Plan 2005:

SD1 - Sustainable Development

GBSP1 - Definition of Green Belt

RA1 - Development in the Green Belt

CLT17 - Care in the Community

R3 - Energy Efficiency

R25 - Works to Listed Buildings

R29 - Archaeology

M14 - Parking standards for new developments

D1 - Quality of design

D2 - Character and context

D5 - Design for movement

D8 - Landscaping

D9 - Access and Design for people with disabilities

CONSULTATIONS

Hertfordshire County Council Archaeology – It was noted that Mymwood House is of archaeological and historical importance and it is possible a house which predates it may have stood on the site. Therefore, it is likely that there archaeological remains on the site and conditions were suggested.

The Conservation Officer (Beams) – Amended plans were suggested which overcame the main concerns. Minor additional alterations have been requested to alter the window heads and arches to be brick rather than haddenstone and this alteration is to be conditioned.

North Mymms Parish Council – Comments were received stating that the proposal does not appear to be sympathetic to the Listed Building, but no objection was raised over the proposal.

North Mymms Green Belt Society – Objection was raised due to the size of the proposal being an overdevelopment in the Green Belt and not being sympathetic to the original Listed Building.

Welwyn Hatfield Access Group – Comments were received stating that the development should comply with the relevant access policies of the district plans.

REPRESENTATIONS

Objection was raised by one neighbouring property. Period expired 9th April 2007.

Objection was raised over the proposed two-storey addition having an impact upon the adjacent property to the east. Objection was raised on the following grounds:

- the proposal affecting the view from the adjacent property and the of the countryside
- the proposal affecting the appearance of the existing building
- the boundary not being shown correctly on the submitted plans
- the size of the extension being too large within the Green Belt

DISCUSSION:

The application is an amended scheme to a similar proposal under references S6/2005/225/FP and S6/2005/226/LB. The proposed development has been designed after an appeal dismissal of the similar application and pre-application discussions with Officers. The proposed development has been amended within the current application period to overcome concerns of the Conservation Officer.

The main issues are:

1. **The impact upon the character of the area**
2. **The impact upon the adjacent Grade II Listed Building**
3. **The impact upon the openness of the Metropolitan Green Belt**
4. **The impact upon the adjoining occupiers**
5. **Other material planning considerations**

- 1) Mymwood House is set back from the Shepherds Way and is screened by tall dense vegetation from the front of the plot, therefore when approaching the site the main building is not particularly visible. However, to the west and north west of the site the building is viewed across open Green Belt land. The proposed development is an amended proposal to the previously refused application. The proposal has been reduced in scale and would be sited to the rear of the existing building. Due to the

proposal's subordinate design it would not have an adverse impact upon the character and appearance of the locality.

- 2) The western elevation of the building has an imposing Italianate character, which is considered to be an important feature of the building and its listing. The proposal has been amended to respect existing western elevation by not having a large structure adjoining the western side of the building. The proposed dwarf brick wall and railings to the west would separate the Listed Building from the proposal and allow the main building to remain the dominant feature. The first floor areas of the proposal would be timber clad to break up the appearance of the proposed building, ensuring that it would not appear overly dominant. From the front of the building the proposed development would not be viewed and would not affect the appearance of the existing building. To the east of the site the existing building does not have as great importance as the western elevation. When viewed from the east the proposed development would appear subordinate to the main building and would only be connected by a single storey link, which is considered to be acceptable. The proposal would therefore comply with Policy R25 of the Welwyn Hatfield District Plan 2005.
- 3) The proposed development would form a large addition to the existing site and would undoubtedly have an impact upon the openness of the Green Belt. However, the Inspector's decision for the appeal of the refused application S6/2005/225/FP found that there were very special circumstances of allow an appropriately designed addition, provided it is to be used as a care home. Due to the increasing demand for similar facilities in the area and the proposed development providing a small increase in capacity to provide separate rooms for the residents, the proposed development is considered to be an acceptable exception to Policy RA1 of the Welwyn Hatfield District Plan 2005. The proposed development would provide the same number of bedrooms as the previous application and the situation is considered to be comparable.
- 4) The only nearby adjacent properties lie to the east of the application site within Lysley Place. These properties sit on a higher ground level and are separated by a tall brick wall. The eastern flank boundary of the plot is splayed so that the proposal's distance from this boundary would increase with depth. Where the proposal would adjoin the existing building it would have a distance of 12.2m from the eastern boundary. To the rear elevation the proposal would have a distance of 16m from the eastern flank boundary. Although the proposed development would be set back from the nearest adjacent dwelling, any impact would be offset by the lower ground level, distance from the boundary and existing mature trees, which create a screen. The proposed development would be visible from the adjacent dwelling but would not be overly dominant or result in an adverse loss of light to this property. Although there may be a loss of view from this dwelling, this does not form a material planning consideration. The distance that would separate the proposal from the adjacent neighbour and the neighbour's overall outlook is considered to be acceptable. The distance from the nearest properties and screen of trees would ensure that the proposal would not result in any significant overlooking or loss of privacy.
- 5) The application forms indicate that the site would accommodate 24 full-time members of staff, 4 part-time members and have 30 residents. The relevant parking standards for a C2 (residential institution) requires 0.25 spaces per resident and parking for resident staff based on the general needs standard. Therefore the resultant unit would require 7.5 spaces. As with the previous application the site has two parking areas, which can accommodate ample off road parking space for the proposed development.

The proposal's layout would have 4 bedrooms facing the eastern flank. Although these rooms would have some shade due to the existing trees the occupants of these rooms would not suffer an adverse loss of amenity. The site has several other habitable areas for the residents and the bedrooms would not form the sole or main

living areas, which would ensure that the occupants would not suffer an adverse loss of daylight.

The application has not indicated any works to trees either within the plans or application forms. The proposal would not result in any impact to the trees along the southern boundary, which are covered by a TPO (No3 Group 73).

The eastern flank boundary slightly differs between plans. The neighbouring property has stated that one of the plans does not show the land that is now in their ownership and resulted in a straighter boundary. The variation in boundary position has been taken into account within the assessment of the application and it would not alter the situation between the proposal and neighbouring property.

The application does not indicate how the proposal contributes to sustainable development or energy efficiency.

CONCLUSION: The proposed development has been found to have very special circumstances that make it an acceptable development within the Green Belt. The proposal has been amended to take on recommendations, which would prevent the setting of the existing Listed Building from being harmed. Due to the nature of the site and the proposal's siting in relation to the adjacent properties and street scene, the proposed development would not have an adverse impact upon the character and appearance of the locality or the residential amenity of neighbouring occupiers.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – Time Limit Full Permission
2. C.5.1 – Material to be submitted
3. Notwithstanding the details on the approved plans, full details of amended elevations showing brick headstones and arches are to be submitted and approved in writing. Notwithstanding the provisions of the provisions of the Town and Country Planning, General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the flank elevation of the original dwelling and extension hereby permitted except for any which may be shown on the amended drawing(s) to be approved after the approval of this application.

Reason : To ensure a satisfactory standard of development in the interests of visual amenity and the setting of the adjacent Listed Building in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. C.9.3 – Full Archaeological Excavation and Evaluation
5. With the exception of any warden's flat, the residential units hereby permitted shall only be permanently occupied by persons above the national retirement age and/or disabled., the partner of any occupier of any unit, or any such person as may be agreed by the local planning authority in writing as being an acceptable occupier of the unit.

Reason: Permission is only granted having regard to the type of unit and nature of occupants indicated in the application. In addition, the local planning authority's car parking standards would require a greater level of provision if the development were to be occupied as conventional housing. The occupation of the residential units otherwise than by the elderly would lead to additional traffic and parking on nearby highways, adversely affecting the safety of road users and detracting from the amenity of nearby residents. In compliance with Policy CLT17 of the Welwyn Hatfield District Plan 2005.

Reason for Granting:

The proposal has been considered against development plan policies of the Welwyn Hatfield District Plan 2005 SD1, D9, RA1, CLT17, R25, R3, R5, M14, D1, D2, D5, D8, GBSP1, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

INFORMATIVES:

DRAWING NUMBERS:

JDA/03/940/OS.001 & JDA/03/940/P.APP/SITE.002 & JDA/03/940/SUR.FF/001 & JDA/03/940/SUR.001 & JDA/03/940/SUR.002 & JDA/03/940/SUR.003 & JDA/03/940/SUR.004 & JDA/03/940/SUR.005 & 8092-1 A & 8092-3 A & Proposed Floor Plans 1:100 dwg 1 all date stamped 14 March 2007 & Proposed Elevations Scheme B 1:100 dwg 2 & Proposed Elevations Scheme B 1:100 dwg 3 both date stamped 1 June 2007.

Signature of author.....

Date.....