

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

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| APPLICATION No: | S6/2007/543/FP |
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NOTATION:

The site lies within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The site is located on the north eastern side of Kentish Lane on an expansive and well vegetated plot.

The site currently contains a detached chalet style bungalow constructed of brickwork with rendered elevations and a brown tiled roof. The roof design is hipped and there are hipped dormer windows within the roofspace.

There is an existing detached garage with a pitched roof located on the northern elevation of the property and an additional detached garage located further northwards. There is an outbuilding to the east of the site within the rear garden.

The street scene contains a limited number of dwellings of varying design, size and age, which sit comfortably on generous sized plots with a consistent set back from the highway.

DESCRIPTION OF PROPOSAL:

The application seeks to demolish the existing detached chalet style bungalow with pitched roof garages and replace it with a new detached two storey dwelling with attached triple garage.

The dwelling would be constructed of brickwork and clay tiles with a hipped roof design together with an attached hipped roof garage. It would have dimensions of approximately 18 metres in maximum depth by approximately 31 metres maximum width (including attached garage).

Accommodation would consist of a reception room, conservatory, kitchen, study/family, dining, utility and two WC's at ground floor level and five bedrooms with ensembles at first floor level. It is also proposed to create some lower level accommodation (basement), which would provide for a gymnasium, swimming pool and jacuzzi. A lightwell would be placed at the south-eastern corner of the dwelling.

PLANNING HISTORY:

S6/1980/201/FP – Fuel store and covered walkway – granted

S6/1979/0208 – Double garage and car port – granted.

E/3-73 – Erection of rear conservatory – granted.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

Hertfordshire Structure Plan Review 1991 – 2011:
Policy 5 – Green Belts

Welwyn Hatfield District Plan 2005:

SD1 Sustainable Development

GBSP1 – Definition of Green Belt

RA1 – Development in the Green Belt

RA4 – Replacement of Dwellings in the Green Belt

R3 - Energy Efficiency

M14 - Parking standards for new developments

D1 - Quality of design

D2 - Character and context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Hertfordshire Highways – have no objections to the proposal.

Environment Agency – Have assessed the application to have a low risk and are unable to make a full response.

TOWN/PARISH COUNCIL COMMENTS

North Mymms Parish Council – have no objections but comment that it is an increase of 57% on the present building.

REPRESENTATIONS

This application has been advertised by neighbour notification letters and site notice and 0 representations have been received. Period expired 03/05/2007.

North Mymms District Green Belt Society – have objected for the following reasons:

- No very special circumstances have been demonstrated
- Materially larger increase in floorspace - 57% (388 sq.m to 608 sq.m)

DISCUSSION:

The main issues are:

1. Design
2. Neighbouring amenity
3. Green Belt
4. Other Material Planning Considerations

Design

Policies D1 (Quality of Design) and D2 Character and Context are both relevant, in addition to the material contained within the Supplementary Planning Guidance.

Policy D1 requires all new development to be of a high quality of design incorporating the design principles of the District Plan & Supplementary Planning Guidance. The architecture of new development should contribute to the quality of design in the district, be appropriate to the setting and context of the area and be of the highest quality.

Policy D2 requires proposal to either maintain or enhance the character of the area. The proposed scheme is not in keeping with the existing chalet bungalow and would result in a prominent structure harmful to the established rural character and appearance of the location. However, the existing dwelling is not locally listed or situated within an established Conservation Area and as such would not be refused on these grounds.

In isolation, the proposed replacement is of an acceptable design with a hipped roofline and attached triple garage. However, although, the design of the proposed house may have merits, in this situation the overriding assessment has to be that the replacement dwelling constitutes inappropriate development within the Green Belt.

The construction materials proposed and the traditional finishes would not be out of character with the rural character of the surrounding area and therefore meet the requirements of the Supplementary Design Guidance (Statement of Council Policy).

Neighbouring amenity

The neighbouring property most affected by this proposal would be 51 Kentish Lane, which is situated to the west of the site. However, due to the adequate separation distances of 5 metres and existing height and bulk of 51 Kentish Lane, it is not considered that the proposed replacement dwelling would have any greater impacts in relation to dominance, overbearing or significant loss of sunlight/daylight.

There would be three windows at first floor level in this elevation facing 51 Kentish Lane, however two would serve an ensuite and a laundry room and the third is for the stairwell. As the laundry room and ensuite room are non-habitable rooms a planning condition requiring these windows to be obscure glazed and non-opening below 1800mm could be attached to any permission to minimise the potential for overlooking. In addition, the proposed balcony to the rear elevation is not considered to create unacceptable overlooking due to the oblique angles and separation distances between properties.

The proposal therefore complies with the amenity requirements of Policy D1 of the Welwyn Hatfield District Plan 2005 and the accompanying Supplementary Design Guidance (Statement of Council Policy).

Green Belt

National Planning Guidance in Planning Policy Guidance Note 2 'Green Belts' (PPG2) in paragraph 1.4 identifies that the most important attribute of the Green Belts is their openness. PPG2 sets out a general presumption against 'inappropriate' development in Green Belts, adding such that development should only be permitted in very special circumstances. Although the replacement of existing dwellings may be

regarded as not inappropriate, this is provided that 'the new dwelling is not materially larger than the dwelling it replaces'. It is for the development plans to then make clear the approach of the local planning authority, including the circumstances (if any) under which replacement dwellings are acceptable.

The adopted Welwyn Hatfield District Plan 2005, states that 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, such as the dwelling being unsound or incapable of habitation. Local Plan Policy RA3 accords with PPG2 in as much as it sets out the criteria for replacement dwellings in the Green Belt:

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.*

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.

The first test necessary to establish whether the proposal would represent inappropriate development within the Green Belt, under the terms of PPG2 and Policy RA4, is to compare what is proposed with the original dwelling to be replaced.

A Green Belt Table below provides an overall assessment and summary of the existing and proposed gross floor areas from the information supplied by the agent and from Council records of earlier permissions.

In terms of floorspace comparisons, the agent has indicated on their application form that the proposed replacement gross floorspace would be 542 sq.m and that the existing dwelling gross floor is 388 sq.m. Using these figures it can be calculated that the proposed increase over the 'existing' dwelling would be 40%.

The Council's assessment of existing gross floorspace is different to that of the agent in regards to the existing dwelling (266.27 compared with 388 sq.m). There are also differences in the proposed floorspace with 580.7 sq.m compared to 542 sq.m. It is not clear why there are these differences; however this could partly be accounted for within the Council's calculation, which was based on previous site

history and OS maps as the agent did not submit existing floorplans as part of the application.

However, taking into account the differences in these figures, even if the more favourable ones are considered, there is no question that the proposal at 40% would far exceed the size of the original dwelling and as such this is considered to be materially larger than the existing dwelling (see Green Belt table below).

| | Floorspace (measured externally of all floors) Sqm | % increase | Footprint Sqm | % increase |
|--|---|-------------------|--------------------------|-------------------|
| Original dwelling (or as at 1949 including garage) (estimated figure from OS map as no details submitted) | 239 | - | 134 | |
| Previous extensions to dwelling implemented/ extant <i>(excludes outbuildings) rear conservatory(E/3- 73)</i> | 26 | - | 26 | - |
| This application including garage (taking into account any floorspace to be removed) | 580 | 142% | 343 | 155% |

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| <u>INCREASE IN FLOORSPACE OVER AND ABOVE THE ORIGINAL DWELLING</u> | 340 | 142% | 209 | 155% |
| Lower level accommodation (excluded from floorspace calculations) | Approximately 227 sq.m | | | |

It is also necessary to consider the height and volume and whether the proposal would also have greater visual impact in terms of prominence, bulk and design on the character, appearance and pattern of development of the surrounding countryside.

In terms of height, the proposed dwelling is materially lower (approximately 0.6m) than the existing, however, the eaves height would be higher at approximately 5 metres rather than 4.5 metres, which increases the visual appearance of the building. Furthermore, additional bulk has been created at first floor level to the north eastern section of the building. In addition, the creation of a triple garage in replacement of the existing garage would create further bulk and mass despite the demolition of two existing garages (one is over 5 metres from the dwelling), as it would create an increase in the maximum width of the proposed dwelling. The existing separation distances between the two garages and reduced mass at first floor level currently serve as an important visual gap in promoting distant views to the surrounding countryside and a such maintaining these gaps would be desirable.

The application also proposes to include some additional 'lower level accommodation' to create leisure facilities such as a gymnasium, jacuzzi and swimming pool. However, parts of this particular area are accommodated by natural light and as such it is questionable as to whether these would serve as additional floorspace. The natural light is provided by a lightswell to the south eastern section of the proposed building and by a roof lantern within the main roof of the dwelling.

A numerical volume calculation and comparison would be difficult to calculate, although from a visual inspection and assessment of the drawings it is clear that the additional floorspace has resulted in a significant increase in volume in respect to the existing dwelling, particularly above ground floor level.

From this visual assessment, it is considered the proposal will have a far greater visual impact on the openness of the Green Belt than either the original or existing dwelling, due to its greater bulk and mass. This view is reached taking into account that the existing dwelling has, for the main part, a low eaves level with dormer windows located in the hipped ends, whereas the proposal is more alike to a full height two storey building.

The proposed dwelling, therefore, materially exceeds the size of the existing dwelling house, not only in terms of floorspace but also in terms of its visual impact and, in therefore is contrary to the requirements stated within Policy RA4 of the Welwyn Hatfield District Plan 2005.

To conclude, the proposal does not constitute a limited replacement of an existing dwelling as defined by Policy RA4 and, as such, is by definition 'inappropriate development' that conflicts with the aims and intentions of the Welwyn Hatfield District Plan 2005, resulting in harm to the openness of the Green Belt.

Other issues

The application does not specify how the development would contribute to sustainable development or energy efficiency.

CONCLUSION:

The proposed replacement dwelling is materially larger than the existing dwelling and as such is inappropriate development, which conflicts with the Green Belt Policies of restraint.

RECOMMENDATION: REFUSAL AND REASON (S)

1. The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed replacement dwelling would significantly exceed the size of the original dwelling being replaced as it would be significantly larger due to the increase in bulk, massing, volume and floorspace, which is exacerbated by the provision of the basement. It would be a more conspicuous structure and, as a consequence, it would also be more visually intrusive in the countryside to the detriment of the openness, character, appearance and visual amenity of the Green Belt. As such, the proposed development represents inappropriate development and no very special circumstances are apparent in this case to set aside Green Belt policies of restraint, and so is contrary to the advice contained in Planning Policy Guidance Note 2 and would conflict with Policy RA4 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS:

SK01 & ELP-01 & ELP-02 & ELP-03 & ELP-05 & ELP-06 & ELP-07 & ELP-08 & ELP-09 & ELP-10 & ELP-11 & ELP-12 and date stamped 02 April 2007.

Signature of author..... Date.....