

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2007/612/MA</b>
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**NOTATION:**

The site lies wholly within the Metropolitan Green Belt and Landscape Character Area 53. Access to Leggetts Park a Wildlife Site (WS166) as defined in the Welwyn Hatfield District Plan Proposals Map.

**DESCRIPTION OF SITE:**

Leggatts Park is a private gated estate of five properties immediately to the north of Little Heath and the east of the Great North Road (A1000). The dwellings within the estate are large detached houses that sit on spacious secluded plots. The dwellings on the estate are relatively new as the estate was redeveloped in the 1990's. Within the consent for the new dwellings permitted development rights were withdrawn and curtilages restricted to that within the permission. The Officer's report for application S6/0369/97FP stipulates that this is necessary to make the development acceptable.

**DESCRIPTION OF PROPOSAL:**

The proposed development consists of a single storey rear conservatory to the centre of the rear elevation. This addition would measure a maximum of 7.8m in width by 6.0m in depth with a pitched roof to a maximum height of 4.1m. The proposed conservatory would give access to an underground swimming pool area. The proposed underground pool would be sited to the north western corner of the house with a maximum width of 16.7m by a depth of 15m and a smaller section measuring 11m by 6m in width. The proposed pool area would be a maximum of 5.8m below the external ground level.

**PLANNING HISTORY:**

The Leggetts Park development has an extensive property history, but it is mostly not relevant to this property.

S6/0369/97FP - Demolition of existing dwellings, garages and outbuildings and the erection of 5 new dwellings together with garages, and landscaping, fences and walls – Approved.

**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  
R3 - Energy Efficiency  
D1 - Quality of design  
D2 - Character and context  
D5 - Design for movement  
D8 - Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

## CONSULTATIONS

**The Tree Officer** – Initially strong objection was raised over the proposed development due to the impact which it would have upon surrounding mature trees, subsequently Tree Preservation Orders were served on some trees. It was agreed with the agent that any proposal would have to not interfere with the root protection areas of the surrounding trees for the application to meet the Tree Officers requirements. It was agreed that the removal of one tree may be acceptable subject to an appropriate replacement planting. The Tree Officer has stated that the latest amended are acceptable subject to conditions.

## TOWN/PARISH COUNCIL COMMENTS

No comments received.

## REPRESENTATIONS

None. Due to the proposal being a major application the development was advertised within the press with a consultation period of 21 days. Period expired 10/07/07.

## DISCUSSION:

**The main issues are:**

- 1. The proposals impact upon the character of the area**
  - 2. The proposals impact upon the neighbouring properties**
  - 3. The proposals impact upon the openness of the Green Belt**
  - 4. Other Material Planning Considerations**
- 1) The application dwelling is within a private estate and is surrounded by mature vegetation to the front. Due to the proposal being sited to the rear of the property and a sufficient distance from the neighbouring properties and public views, the development would not have an adverse impact upon the character and appearance of the locality. The proposed conservatory would be single storey and clearly subordinate to the main dwelling. This addition would be a very lightweight structure which would respect the existing character of the dwelling. Therefore the proposed development is considered to be acceptable from a design point of view.
  - 2) The neighbouring properties would not be affected by the proposed development. Due to the sufficient distance which would separate the development from the neighbours and the mature vegetation which create a screen the development would not have an adverse impact upon the residential amenity of the neighbouring dwellings. Therefore the proposed development would comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
  - 3) Due to the application dwelling being within the Green Belt any additions should not result in a property that is considered to be disproportionate to the original. Due to the property history and the dwelling being a replacement dwelling, there is very little scope for further additions to the existing property. However, the proposed development has sited all works to the rear and kept the visual alterations to a minimum. The proposed conservatory would be single storey and clearly subordinate to the main dwelling. Due to this addition being set within two existing rear projections, it would have a relatively shallow apparent depth. The proposed underground pool area has been amended to remove a spa pool opening, which would have visually spread development away from the existing house. The applicant intends to return the ground level above the pool to be the same as the existing ground. Although the proposed pool area would increase the internal volume of the property, it would not alter the external mass and bulk of the dwelling. The proposed underground pool would therefore not have an impact upon the openness of the Green Belt. Four circular roof lights are proposed within the ground above the pool area, each measure approximately 1.5m in diameter. These would not protrude above ground level and would not appear prominent from the surrounding area. The

proposed development would not result in a property that would be disproportionate to the original and would comply with Policy RA1 of the Welwyn Hatfield District Plan 1996-2011.

- 4) The application site has several mature trees within close proximity to the proposed development. The plans have been amended to take on the Tree Officers recommendations to reduce the underground excavation and avoid the root protection areas of the surrounding trees. The amended plans and arboricultural information are considered to be acceptable, provided a suitable landscaping scheme implemented. A landscaping scheme should include suitable replacement planting for a Douglas Fir tree, which is to be removed.

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

**CONCLUSION:**

The proposed development would not result in an adverse impact upon the character of the area or neighbouring properties. The proposed development would not result in a dwelling that would be disproportionate to the original and the development would not have an adverse impact upon the openness of the Metropolitan Green Belt.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

**CONDITIONS:**

1. C.2.1 – Time Limit Full Permission
2. C.5.1 – Materials to Match
3. C.4.1 – Scheme of Landscaping to be submitted and agreed
4. C.4.2 – Implementation of Landscape Planting
5. C.4.5 – Retention and Protection of Trees and Shrubs for the Duration of Development
6. Prior to the commencement of the development hereby permitted, tree protection measures shall be inspected and agreed by the Local Planning Authority.

**Reason:** In the interests of the maintenance of the existing trees and visual amenities of the site and the locality in general, in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

**Reason for Granting**

The proposal has been considered against development plan policies (i.e. Hertfordshire Structure Plan Review 1991 - 2011 Policy 6 & Welwyn Hatfield District Plan 2005 SD1, GBSP2, GBSP1, RA1, D8, D1, D2, D5, R3, Supplementary Design Guidance, February 2005), 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:**

The applicant is advised to liaise with the Council's Tree Officer to produce an appropriate landscaping scheme. The landscaping scheme should include a suitable replacement planting for the Douglas Fir that is to be removed.

**APPROVED PLAN NUMBERS:**

**Site Location Plan 1:2500 & 0608\_98\_201 & 0608\_98\_202 & 0608\_98\_210 all received 19 April 2007 & 6460/01 REV C & 0608\_00\_200B & 0608\_00\_201B & 0608\_00\_210B & 0608\_00\_220A all date stamped 8 June 2007.**

**Signature of author.....**

**Date.....**