

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

<b>APPLICATION No:</b>	<b>S6/2007/1916/MA</b>
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**NOTATION:**

The site lies wholly within the Metropolitan Green Belt and Landscape Character Area 53. Access to Leggatts 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as the estate was redeveloped in the 1990's. Within the consent for the new dwellings permitted development rights were withdrawn and curtilages restricted to that within the permission.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 would involve the construction of a footpath measuring 1.1m in width and stretching 154m from the existing house to the proposed tennis court.

The proposed tennis court would measure 34.75m by 16.07m and be sited 1.2m from the eastern boundary of the plot. The tennis court would be finished in a green hard surface. The proposal would include the construction of a timber and post board retaining wall. A 3m high chain linked fence that would be finished in black would enclose the proposed tennis court.

At the time of a site visit works had commenced. Soil had been removed over the area of the proposed court and the land over this area appeared relatively level. It has been noted that the plans show a change in land level of approximately 1m between parts of the proposed tennis court and adjacent land. From the works that had been carried out it appeared that this change in level might not be necessary. However, if the plans are accurate, retaining walls would be required.

**PLANNING HISTORY:**

The Leggatts 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.

S6/2007/0612/MA – Erection of a rear conservatory and swimming pool contained with new basement – Approved.

## **SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Policy

PPG1: Delivering Sustainable Development

PPG2: Green Belts

Hertfordshire Structure Plan Review 1991 – 2011:

None.

Welwyn Hatfield District Plan 2005:

SD1 - Sustainable Development

GBSP1 - Definition of Green Belt

RA1 - Development in the Green Belt

RA10 - Landscape Regions and Character Areas

R3 - Energy Efficiency

R8 - Floodplains and Flood Prevention

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** – No objection was raised subject to appropriate conditions. It was noted that works have commenced and the proposed footpath runs through a group of trees. The excavation for the footpath should be done by hand and a porous, non compacting surface should be used. Due to the positioning of the proposed path method statement be submitted prior to works taking place on the path so that damage to the root systems can be minimised.

**The Environment Agency** – An initial response raised objection over the proposal and requested a flood risk assessment. Following the submission of the flood risk assessment the objection was withdrawn.

**Thames Water** – No objection.

**Hertfordshire Highways** – No objection.

## **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 11 February 2008.

## **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. The proposal would be sited to the rear of the property on a lower ground level than the main dwelling, where the application plot backs onto open Green Belt land. The proposal would be sited a substantial distance from public views and would not have an adverse impact upon any public areas.

The proposal would be located close to the eastern boundary with the adjacent dwelling to the east (The Beeches). The proposed tall fencing and large area of hardstanding would not be in keeping with the predominant character and appearance of the locality and would be noticeable from the rear amenity space of the neighbouring property.

The proposed tennis court and enclosure would be a significant distance from the existing built development and would form a manmade addition within the surrounding rural landscape. It has been acknowledged that the proposed enclosure would be a chain-linked fence that the applicant considers to not be prominent. Although the proposed fence would not be particularly prominent in comparison to other types of enclosure, it would be apparent from the neighbouring plot and is not considered to be in keeping or appropriate addition.

Due to the appearance, height and scale of the proposed fencing, the development would not meet the requirements of Policy D2 of the Welwyn Hatfield District Plan 2005. The proposal would be separated from the main dwelling and affect the desirable appearance of the natural landscape. This would fail to safeguard the visual quality of the Landscape Character Area and would not meet the requirements of Policy R24 of the Welwyn Hatfield District Plan 2005.

- 2) The proposal would be close to the boundary with the adjacent dwelling to the east. At the time of the site visit the boundary was demarcated by a relatively low chain linked fence, which has recently been planted with low vegetation. Although it may be intended to allow a hedge to mature along the plot boundary, the current boundary treatment does not form a screen and it cannot be relied upon to either enhance privacy or screen the proposed development. Although the proposal would not have a direct impact upon the residential amenity of the occupiers within the adjacent dwelling, the proposal would not be close to the joint boundary with this dwelling. The proposed development would not be in keeping with the rural character of the locality, due to the distance from the application dwelling the proposal would have an unacceptable appearance, which would be clearly visible from the rear amenity space of the adjacent dwelling.

The proposal would not have an adverse impact upon the living conditions of the neighbouring dwelling, but it would appear inappropriate and be viewed from areas within this property's plot.

- 3) Due to the application dwelling being within the Green Belt, it must be considered whether the proposed development would be inappropriate when considered against Local Plan Policy RA1 and PPG2.

The application dwelling does not benefit from permitted development rights to allow the laying of hardstanding. The Leggatts Park development was only approved, as there were very special circumstances to allow the development within the Green Belt. Permitted development rights were restricted within the approval to ensure further inappropriate development is not carried out, which would have a further impact upon the openness of the Green Belt.

The proposed development would not be considered to be an essential facility for outdoor sport or recreation and would therefore not fall within this allowance within Green Belt policy. Furthermore, no evidence has been provided by the applicant to demonstrate the proposals essentiality.

The proposal would spread development from the application dwelling and involve the construction of a substantial hardstanding, in the form of the access path and tennis court surface. The proposed enclosure would have a significant height that would be clearly taller than the adjacent boundary treatment. The proposed development would not reflect the rural character associated with the Green Belt and would have an urbanising impact upon the plot and locality.

By reason of its scale prominence and location within a within a rural, natural landscape, the proposal would have an adverse impact upon the openness of the Green Belt. The application has not demonstrated any very special circumstance to allow inappropriate development and the proposal therefore has failed to meet the requirements of PPG2 and Policy RA1 of the Welwyn Hatfield District Plan 2005.

- 4) The application site has many mature trees. The proposal has suggested adding further planting to screen the proposal. Although this would help, it would not make the development acceptable. The existing boundary treatment will take a significant time to mature and currently does not form a screen. Given the time required for the exiting boundary treatment and proposed planting to become established and effectively screen the proposed development, it would not outweigh the inappropriateness and harm that would be caused.

A flood risk assessment has been submitted and assessed by the Environment Agency. The proposal would not result in a significant flood risk and is considered to comply with the requirements of Policy R8.

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

### **CONCLUSION:**

The proposed development would result in an adverse impact upon the character of the area. The proposed development would also have an adverse impact upon the openness of the Metropolitan Green Belt. The proposed development would therefore not meet the relevant requirements of the Welwyn Hatfield District Plan 2005.

### **RECOMMENDATION: REFUSAL AND REASON**

The proposed development would be sited within close proximity to the eastern boundary and would appear prominent and incongruous from the neighbouring land. The proposed development would fail to respect the rural character and appearance of the locality and Landscape Character Area. The proposed development has therefore failed to meet the requirements of Policy D2 and R24 of the Welwyn Hatfield District Plan 2005.

The proposal would spread built development over a substantial area into the plot and Green Belt. The proposed tennis court, enclosure and footpath would have an adverse impact upon the openness of the Metropolitan Green Belt. The proposed development therefore 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 Policies RA1 and RA3 of the Welwyn Hatfield District Plan 2005.

**REFUSED PLAN NUMBERS:  
Site Location Plan 1:750 PLN 202 REV C & 6640/02 REV A & 746.01C & 0705-  
\_00\_201 – A & ANGLIA and Midland Sports Surfaces catalogue all date  
stamped 10 December 2007.**

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