

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2007/1932/FP
------------------------	------------------------

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 northern side of Kentish Lane and comprises a detached dwelling set behind a wall and railings with gated access.

To the rear of the site is a swimming pool, pond and outbuilding which has recently been extended and forms this application.

DESCRIPTION OF PROPOSAL:

The planning application seeks full permission for an existing extension to the rear of the existing outbuilding. The original building is of an irregular shape and has five 'major sides'. The extension is to the rear of this to the boundary of number 53 and has a depth of 7500mm, width of 5000mm and height of 3900mm. The roof of the building has two pitches, one either side of the longer length of the extension, however they do not form a 'ridge' as defined within Class E of the General Permitted Development Order, Schedule 2, Part 1 and hence permission is required.

PLANNING HISTORY:

S6/2003/1434/FP - Erection of a Single Storey Garden Store - Withdrawn
S6/1998/1112/FP - Erection of first floor side extension - Approved
S6/1979/0580 - Two storey extension and garage – Approved

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: 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

RA3 – Extensions to Dwellings

D1 - Quality of design

D2 - Character and context

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

None

TOWN/PARISH COUNCIL COMMENTS

No comments received

REPRESENTATIONS

Advertised by neighbour notification letters and site notice.

DISCUSSION:

The main issues are:

- 1. Impact on the Openness of the Green Belt**
- 2. Impact on the Character of the Area and Amenity of Neighbours**
- 3. Other Material Planning Considerations**

1. The site is within the Green Belt wherein policy RA3 applies. This states that extensions to dwellings will only be permitted where the cumulative effect of extensions does not result in a disproportionate increase in the size of the original dwelling and would not have an adverse visual impact.

The existing dwelling has previously been extended as well as the outbuilding under permitted development rights and therefore it is considered that the cumulative total of the extensions, with this proposal would add a disproportionate increase. Additionally, the visual impact of the development by virtue of the overall depth, of approximately 14.5 metres does have an impact upon the openness of the area. This is further exacerbated by the location of the outbuilding within the garden which has a significant separation from the dwelling and therefore encroaches on the openness even further.

It is therefore considered that the development is inappropriate and in accordance with paragraph 3.12 of PPG2, the harm by reason of inappropriateness must be clearly outweighed by other considerations. Substantial weight is attached to the harm that the development has upon the openness.

The design of the roof in this case is the reason that planning permission is required. If the roof of the development had been either a flat roof up to a height of 3 metres or a ridged roof up to 4 metres, the extension would have been permitted development. As the height of the roof is less than 4 metres (3.9m) with two pitched roofs which do not form a 'ridge', it is considered that weight should be attached to this. Should the applicant wish to increase the height of the roof adjacent to the neighbours boundary and form a ridge with the higher roof, it would form permitted development, but would also form greater bulk and thus would have a greater impact upon the openness of the area. It is therefore considered that this consideration should be given substantial weight. With this in mind, it is considered that the harm to the openness is outweighed by other considerations such that planning permission should be granted.

2. Policy D1 requires design of developments to be of a high quality. The design of the outbuilding is fairly functional with glazing to the elevation facing into the applicants garden, there is therefore no loss of amenity, in terms of overlooking towards the neighbours garden. The design is therefore acceptable and complies with policy D1. The roof is in slate and walls have a plaster finish. The materials are also fairly simple and achieve the aims of D1 and Supplementary Design Guidance.

The flank wall to the neighbours boundary does have an impact upon the garden of the adjoining dwelling. However, this does not have a significant impact upon the enjoyment of occupiers of that dwelling by virtue of being located some distance away from the dwelling and also with consideration to the fact that the impact could be 'made worse' if permitted development rights were to be implemented. It is therefore considered that any loss of amenity is not significant.

3. There are no other material planning considerations

CONCLUSION:

It is considered that the development is inappropriate and fails to comply with local plan policy. However, the harm to the openness of the Green Belt is outweighed by other

considerations and that the proposal is acceptable. There is no significant loss of amenity to the adjoining occupiers and therefore permission should be granted.

RECOMMENDATION: APPROVAL

As the permission is retrospective, no planning conditions are necessary.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of FP/LB/CA/DT/ (*Approvals only*):

The proposal has been considered against national policy PPS1 and PPG2 development plan policies (i.e. Welwyn Hatfield District Plan 2005 PPS1 and PPG2), 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:

None

DRAWING NUMBERS:

Proposed Extension to Summer House and date stamped 14 December 2007

Signature of author.....

Date.....