

WELWYN HATFIELD COUNCIL  
PLANNING CONTROL COMMITTEE – 5 JUNE 2008  
REPORT OF THE CHIEF PLANNING AND ENVIRONMENTAL HEALTH OFFICER

S6/2008/0035/FP & S6/2008/0045/LB

ERECTION OF REPLACEMENT RESIDENTIAL ANNEXE ATTACHED TO LISTED WALL, REPLACEMENT OF EXISTING FLAT ROOF GARAGE WITH PITCHED ROOF. AMENDMENTS TO S6/2005/1561/FP & S6/2005/1562/LB

THE VINES, HIGH ROAD, ESSENDON, HATFIELD, AL9 6HS

APPLICANT: MR S CADISCH

(Hatfield East)

**1 Site Description**

1.1 The Vines is a large detached dwelling located on the western side of the High Road, within the Green Belt settlement of Essendon. It is accessed via a private drive set behind other residential properties and the dwelling sits in a plot of 1.2 hectares and is surrounded by a walled garden, part of this wall being Grade II Listed. The site is located within the Essendon Conservation Area and is within the Metropolitan Green Belt.

**2 Background to the Proposal**

2.1 Planning permission and listed building consent were granted in 1999 (S6/1999/672/FP & 695/LB) for a replacement garden building in the form of a traditional barn-like structure to be used as a residential annex. Amendments to this scheme were subsequently approved in 2001 under S6/2001/1389/FP & 1447/LB and also 2006 under S6/2005/1561/FP & S6/2005/1562/LB.

2.2 The 2001 and 2005 applications approved amendments to the original approval which included an increase of the ridge height of the lower section of the roof over the garage to match that of the main roof, the removal of rear gables, changes to the glazing details on the front elevation, the enlargement of the dormer to the front roof slope and the erection of a chimney for a wood burning stove to the western end of the main roof.

2.3 Construction work on the application building has started and the timber frame has been completed along with tiling to the roof and also the felt flat roofed rear. Fitting out of the interior of the building has not yet commenced or the fitting of the windows.

2.4 The applicant sought amendments to the 2005 approved planning permissions in 2007. The Council responded by letter to the applicant dated 24<sup>th</sup> July and 15<sup>th</sup> August 2007 advising that the requested changes could not be accepted as

minor amendments. It was advised that either a fresh application was submitted or the proposal implemented in accordance with the approved drawings.

- 2.5 The application site was then brought to the attention of the Council in November last year in regards to the building being not constructed in accordance with the approved drawings. This matter was investigated and the applicant was advised in the same month that the building was being built with significant deviations from the approved plans which could not be considered as minor amendments. The applicant was given the opportunity to submit this current application incorporating these changes to allow the proposal to be formally considered and determined. Since this time work on site has ceased and no further enforcement action has been taken pending the outcome of this planning application.

### **3 The Proposal**

- 3.1 The application seeks full planning permission for the following proposed changes to the two applications approved in 2005 under planning references S6/2005/1561/FP and S6/2005/1562/LB. The previously approved height of the building at approximately 6.5m remains the same and also the overall length of the main building at 21.8m. The width of the approved scheme is approximately 7.8m and the depth of the currently partly finished building is approximately 9.3m
- 3.2 The approved drawings showed a ground floor area which comprises of a garage to the east end of the building with a corridor running alongside this to an open plan reception area. The current drawings show a similar arrangement apart from the subdivision of the open plan space to create a WC and small store room. At first floor level, no detailed plans were submitted on the previously approved scheme, but indications on the drawing show the extent of the floor area which broadly corresponds with that on the current drawings.
- 3.3 In regards to the external fenestration of the building, the design drawings have been amended to those originally submitted with the application, following negotiations with the applicant. The main differences now relate to the glazing details to the first floor gable projections which have reduced the extent of glazing and the larger area of glazing to the west elevation of the building.
- 3.4 To the east end of the building, the proposed parapet wall above the entrance doors to the garage and the separate entrance door to the living accommodation has been replaced with a pitched roof and traditional eaves detail. A flue pipe shown on the west hipped end of the building has now been located on the south side of the roof slope.
- 3.5 A further addition to the building is the single storey flat roofed extension on the west end of the building which is for a greenhouse and WC. This related to an earlier request to relocate a previous greenhouse to the end of the subject dwelling was requested in January 2007 by the applicant and this was agreed in a letter from the planning department in February 2007. This greenhouse which is a similar size to the existing one is an integral part of the subject building under consideration and is also an addition to the scheme previously approved.

### **4 Planning History**

- 4.1 S6/2005/1561/FP Erection of replacement annexe and replacement of existing flat garage roof with pitched roof. Amendment to S6/2001/1389/FP - Granted

- S6/2005/1562/LB Erection of replacement annexe and replacement of existing flat garage roof with pitched roof. Amendment to S6/2001/1447/LB - Granted
- S6/2005/0350/LB Partial demolition of summer house to create a one bedroom annex – Refused
- S6/2005/0349/FP Partial demolition of summer house to create a one bedroom annex – Refused
- S6/2001/1389/FP Erection of replacement residential annexe and replacement of existing flat garage roof with pitched roof (amendment to S6/0672/99/FP) - Granted
- S6/2001/1447/LB Erection of replacement residential annexe and replacement of existing flat roof garage with pitched roof (amendment to S6/0695/99/LB) - Granted
- 4.2 S6/2001/0051/FP Alteration to existing crossover and construction of two brick piers - Granted
- S6/2000/1581/FP Erection of replacement garden store (revision to planning application ref no S6/1999/673/FP) – Granted
- S6/2000/1582/LB Removal of existing storage shed and replacement with new garden store and workshop - Granted
- S6/1999/695/LB Erection of replacement residential annexe and replacement of existing flat garage roof with pitched roof – Granted
- S6/1999/696/LB Removal of existing storage shed and replacement with new garden store and workshop - Granted
- S6/1999/673/FP Replacement garden store - Granted
- S6/1999/672/FP Erection of replacement residential annexe and replacement of existing flat garage roof with pitched roof - Granted
- S6/1992/496/FP Demolition of existing single storey rear extension; erection of part two storey, part single storey rear extension; rear conservatory; alterations - Granted
- S6/1992/497/CA Demolition of existing single storey rear extension - Granted
- S6/1989/236/FP Erection of rear conservatory and flat roof covered area – Granted
- S6/1980/223/FP Rear extension – Granted
- S6/1980/340/FP Conservatory – Granted

## **5 Planning Policy**

### 5.1 National Policy

Planning Policy Guidance Note 2 (PPG2): Green Belts

## Planning Policy Guidance Note 15 (PPG15): Planning and the Historic Environment

### 5.2 East of England Plan 2008

ENV6 – The Historic Environment

### 5.3 Hertfordshire Structure Plan Review 1991- 2011:

None

### 5.4 Welwyn Hatfield District Plan 2005:

GBSP1 – Definition of Green Belt

RA3 – Extensions to dwellings in the Green Belt

D1 – Quality of Design

D2 – Character and Context

Supplementary Design Guidance (Statement of Council Policy)

Supplementary Planning Guidance Parking Standards (Adopted January 2004)

## 6 **Consultations**

### 6.1 None

## 7 **Town/Parish Council**

### 7.1 Essendon Parish Council have written in with three letters of objection in response to the amendments received during the course of the planning application.

The comments made are:

### 7.2 **First letter** (*letter dated 7/02/08*)

“ We have considered the application and note with concern that the building has been erected without permission, thus circumventing planning law and legitimate democratic input into the decision making process. We objected to an earlier and similar application (S6/05/1561-2) as being too large and note that this new application is for an even bigger building. It has grown from 7.5m wide to 9m wide and now has a further ‘greenhouse’ extension. We note that the terrace roof to this extension will allow the applicant to view the adjoining gardens and thus remove any privacy for their neighbours. This is totally unacceptable.

In design terms the main elevation is absurdly elongated and the clumsy extension to the roof, necessary to cover the extra width, is of notably poor design, particularly the eastern elevation now it has lost the earlier parapet device.

The dormer is much larger and is now clearly visible from the side and rear. The application should be refused due to size, bulk massing and design and the overlooking of the neighbouring garden.

We are concerned that this building is now very substantial and has every potential to be a separate dwelling. Should you approve this scheme (despite considerable local opposition) or negotiate a 'compromise' structure, we strongly urge you to make it subject to a S106 agreement preventing its sale rent or use as a separate dwelling. Its use must be ancillary to the main house."

### 7.3 Second Letter (dated 28/03/08)

"We have considered the drawings and welcome the removal of the balcony and stairs which alleviates the matter of the overlooking of the neighbouring property. However, none of our earlier concerns have been addressed and, as such, we continue to object to this building as too large, bulky and of poor scale and design.

We are deeply concerned on a matter of principle here. As we understand it, the owner was warned, during construction, by your enforcement officers, yet he continued and completed the building despite it far exceeding the planning permission (which we objected to as being too larger than!).

Now he seeks to regularise his flagrant disregard for the planning laws and system that the rest of us have to live by. To accept the finished building – which we submit demonstrates that our views have been right all along – makes a nonsense of the planning system and will, in the minds of those inclined to ignore the law, establish a very unfortunate precedent leaving Welwyn Hatfield's Planning Dept. looking weak and foolish.

You cannot have one law and system for the majority, and a different one for those who ignore it. We trust that you will refuse this application and serve the necessary enforcement notices and, if required, rigorously fight any appeal.

It is important in your reasons for refusal that you identify the buildings clear potential to be an independent dwelling and not, as is claimed, an ancillary structure. If it were such, why does it need a kitchen and bathroom and all the facilities necessary for independent living?

It is far from unimaginable that you are being duped, which is why, previously, we have strongly requested that it should be subject to a S106 agreement preventing its independent use. However, that point is now passed and it is clear now that as a Planning Department re-establish your authority".

### 7.4 Third Letter (letter dated 10/05/08 and in response to the final set of revised drawings currently under consideration)

"The committee refer you to our letter dated 28/03/08. Their concerns of the bulk, size and scale of the development remain, notwithstanding

the minor amendments to the dormer and the roof to the side extension.”

## **8 Representations Received**

8.1 The application has been advertised by means of a site notice, press notice and by neighbour notification letters. Letters of objection has been received from an adjoining neighbour who has raised the following points:

- The increased size of the dormer window over the garage which is extremely obvious from the adjoining dwelling, compared to the less obtrusive one previously approved
- The loggia and roof terrace to the western end of the building which was not originally approved and would result in overlooking to the adjoining dwelling.
- The increased size window to the first floor which acts as double doors onto the terrace reduces the privacy to the adjoining dwelling.
- The proposed chimneys are unsightly
- The annexe building is already extremely large and the changes are unnecessary for a building to be used in conjunction with the main dwelling
- The removal of the stairs and balustrade on the roof terrace needs to be subject to further control to avoid the flat roof becoming a terrace at a future date
- The previous building on the site was not substantial but was a single storey lean-to building.
- If permission was granted it would set an unfortunate precedent in approving retrospective works.

## **9 Discussion**

9.1 This application is being brought to committee for determination as the application has been objected to by Essendon Parish Council.

9.2 The main issues to be considered in the determination of this application are:

- 1) **Green Belt Policy**
- 2) **The impact on the character and context of the surrounding Conservation Area and the Listed Structures**
- 3) **The impact on the amenity of adjoining residents**
- 4) **Other Matters**

### **Green Belt Policy**

9.3 Planning Policy Guidance Note 2 (PPG2) is relevant along with local plan policy RA3. The main issue to be considered in regards to this revised application is the increase in width of the previously approved building from approximately 7.8m to 9.3m, as the height and length of the building has not changed apart from the

relocation of the greenhouse to the western end of the building as a single storey structure.

- 9.4 The principle of an annexe building in this location has already been accepted by previous planning permissions and the 'fall back' position of implementing these previous approvals is material planning consideration. The issue is solely therefore whether the increase in width of 1.5m is acceptable in terms of its visual impact on the openness of the Green Belt and if it is an appropriate form of development as defined by PPG2. To make this assessment it is necessary to refer to the building which existed previously (and which is now completely demolished), as any incremental increase in terms of the proposed floorspace, height, bulk, mass and volume is critical to such a discussion.
- 9.5 No such detailed information exists apart from small scale aerial photographs of the site to draw such comparisons, and so although the current proposal may well indeed be larger than the previous structures on the site, there is insufficient information available to be certain of this.
- 9.6 Taking into account the limited information available on the previous structures on the site and the size of the increase in width it would be unreasonable, without corroborating evidence of the size of the early structure, to withhold planning permission solely on these grounds and so it is considered that the proposal complies with the Green Belt requirements given in PPG2.

#### **The Impact on the character and context of the surrounding Conservation Area and Listed Structures**

- 9.7 The application site is located in the Conservation Area of Essendon and the application building will be physically attached to a listed wall, which forms part of an original walled garden. National Planning Policy PPG15 and East of England Plan 2008 Policy ENV6 apply.
- 9.8 The quality of design for the proposed building is therefore particularly relevant for this site along with the external finishes. The original permission granted a building with an oak timber frame with plain tile pitched roofs and the current partly built structure has been built out of these high quality materials. The current design drawings are of a better standard than the previously approved ones and show in more detail the different elements which, when taken overall, result in a well proportioned barn like structure albeit with a few contemporary features such as the glazing.
- 9.9 Concerns have been raised about the size of the building and its length, however taking into account the wider setting around the proposed building and its architectural style and appearance, the resultant visual impact would neither detract, or harm, the character of the Conservation Area. The proposed boiler flue is of limited height and is almost completely screened from view by the listed wall from the adjoining residential property.
- 9.10 With respect to the listed wall, the previous application approved a structure which would be physically attached to the Grade II listed wall. The lead valley gutter which is already in place is of a high design quality and so the impact on the listed wall is considered to be no different from that of what was originally intended on the earlier Listed Building Consent.

- 9.11 The proposals therefore comply with the requirements of PPG15 and Policy ENV6.

### **The impact on the amenity of adjoining residents**

- 9.12 Planning Policy D1 and the accompanying Supplementary Design Guidance is relevant where development should not result in any significant loss of light or appear unduly dominant from adjoining dwellings.
- 9.13 The only adjoining neighbour to the application site, which is relevant to the siting of the annexe, is the residential property known as 'The Limes'. The proposed amendments under consideration do not relate to the south roofslope of the previous approval apart from the flue to the boiler, which would not cause any loss of light nor would it appear unduly dominant due to its limited height and cross section.
- 9.14 There is also a requirement to consider the potential for overlooking to adjoining neighbours under this policy and guidance. Concerns have been raised by an adjoining neighbour about the potential for the loss of privacy from the flat roofed area over the greenhouse. This proposal has now been removed from the proposed scheme as no external staircase is shown on the design drawings or balustrade. Although no permitted development rights exist for this building, it would be reasonable to ensure that the functional use of this area does remain as a flat roof, as a roof terrace in this location would result in an unacceptable loss of privacy to the adjoining resident. A planning condition restricting the use of this area to solely a flat roof and not as a terrace, balcony or sitting area is suggested for any permission granted.
- 9.15 Concerns have been raised about the larger first floor window in the western end of the application building in terms of overlooking. However, it is considered that any views to the neighbouring property would be from an oblique angle and so would be very limited. It would therefore be unreasonable to withhold planning permission in regards to overlooking as the development would still maintain an acceptable degree of privacy to the adjoining neighbour.
- 9.16 The previous planning approval also imposed a planning condition preventing the addition of windows, rooflights, and dormers at a later date, however, as already mentioned above there are no permitted development rights for this building for these types of extension and so clarification of this matter in an informative would be appropriate.
- 9.17 To summarize, the revised scheme would comply with the amenity requirements of Policy D1 and the Supplementary Design Guidance as no significant loss of residential amenity would result to the adjoining neighbours.

### **Other Matters**

- 9.18 Concerns have been raised by the Parish Council about the size of the proposed building and of its future use as an independent dwellinghouse. The application currently under consideration is for an annexe building to be used in conjunction with the main dwellinghouse known as 'The Vines'. Planning permission for a change of use would be required if this annexe building was to be used as an independent dwelling and under the current policies contained in Planning Policy Guidance Note 2 such as proposal would be considered inappropriate by definition.



9.19 Notwithstanding this, the applicant has agreed to enter a legal agreement in the form of a Unilateral Agreement to ensure that the functional use of this building does remain as an annexe and occupied only in conjunction with and ancillary to the use of The Vines as a single family dwelling and not let, sold or otherwise occupied as a separate residential dwelling. This legal agreement gives the certainty requested by the Parish Council that any unlawful use of the subject building in the future will not result in application to review its lawful status.

## **10 Conclusion**

10.1 The current design drawings under consideration and the Unilateral Undertaking agreed to by the applicant has addressed all the concerns of the Parish Council in the Officers view apart from the issue of the building being wider. Without any evidence to make accurate comparisons to the original building, it would be unreasonable to withhold planning permission solely on this increase, which although is a material difference to that shown on the approved drawings is limited to 1.5 metres.

10.2 The proposal therefore complies with the above Green Belt policies and those relating to amenity and the historic environment.

## **11 Recommendation**

11.1 It is recommended that application S6/2008/0035/FP be approved subject to the following conditions:

1. The alterations to the size of the dormers hereby approved, as shown on drawing number 528 03D, received and dated 22 April 2008, shall be completed within 6 months of the date of the decision

REASON: In the interests of the appearance of the development and to comply with policy D1 of the Welwyn Hatfield District Plan 2005.

2. The development works shall not be completed other than in accordance with the approved plans and details on drawing Nos. 528/SP1 received and dated 12/05/08 & 528/02A & 528/04A received and dated 29/02/08 & 528/03D received and dated 22/04/08 (this includes a requirement to reduce the size and amend the design of the existing dormer on the north roof slope as shown on the approved drawing No.528/03D) unless otherwise agreed in writing by the Local Planning Authority:

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

3. The flat roofed area over the ground floor area which is annotated as 'Greenhouse' and 'Gardeners WC' (on approved drawing 528/02A Received and dated 29/02/08) of the development hereby permitted shall not be used as a balcony, terrace or sitting out area.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

4. Prior to the recommencement of works, a sample of the external timber cladding to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

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

5. Prior to the recommencement of works for the scheme hereby approved, larger scale detailed plans and drawings showing the design of the doors and windows are to be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except as in accordance with details so approved.

REASON: To ensure that the appearance of the building relates acceptably to the historic integrity of the listed building in compliance with Planning Policy Guidance Note 15 and East of England Plan 2008 Policy ENV6.

## INFORMATIVES

1. The annexe building hereby approved does not benefit from permitted development rights as defined by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), as this application relates to an outbuilding subject to planning permission and so any future development changes to this building will be subject to obtaining full planning permission beforehand such as additional windows, including rooflights or dormers

## SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against National Planning Policy Guidance PPG2 & PPG15 and the East of England Plan policy ENV6 local development plan policies GBSP1, RA3, D1, & D2, of the Welwyn Hatfield District Plan 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.

- 11.2 It is recommended that application S6/2008/0045/LB be approved subject to the following conditions:

1. The development works shall not be completed other than in accordance with the approved plans and details on drawing Nos. 528/SP1 received and dated 12/05/08 & 528/02A & 528/04A received and dated 29/02/08 & 528/03D received and dated 22/04/08 (this includes a requirement to reduce the size and amend the design of the existing dormer on the north roof slope as shown on the approved drawing No.528/03D) unless otherwise agreed in writing by the Local Planning Authority:

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

2. Prior to the recommencement of works, a sample of the external timber cladding to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

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

3. Prior to the recommencement of works for the scheme hereby approved, larger scale detailed plans and drawings showing the design of the doors and windows are to be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except as in accordance with details so approved.

REASON: To ensure that the appearance of the building relates acceptably to the historic integrity of the listed building in compliance with Planning Policy Guidance Note 15 and East of England Plan 2008 Policy ENV6.

### **SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against National Planning Policy Guidance PPG15 and the East of England Plan policy ENV6, 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.

Chris Conway, Chief Planning and Environmental Health Officer (PJ)  
Date 21/05/08

Background papers to be listed: East of England Plan 2008