

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2008/1135/MA
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NOTATION:

The site lies within the Green Belt, Area of Archaeological Significance and Landscape Region and Character Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The site is part of the wider setting of Bedwell Park which consists of a grade II listed building, currently undergoing conversion to residential accommodation.

The Tennis Court House is one of a number of new build dwellings built as part of the enabling development for renovation works to the listed building and wider curtilages. The site is located to the south west of Bedwell Park.

DESCRIPTION OF PROPOSAL:

The application seeks retrospective consent for a tennis pavilion to the western elevation of the tennis court. The application shows that the two tennis courts ownership have been subdivided.

The pavilion measures 4.2 x 2.7m floor area, 3.25m to the ridge and 2.25m to the eaves. The building has been finished in cedar shingle roofing tiles, timber walls and windows – the walls have been painted in a mocha colour.

PLANNING HISTORY:

S6/2008/0557/FP Erection of tennis court changing pavilion - refused

S6/2007/1408/FP Swimming pool - allowed

S6/2007/0592/FP Swimming pool and summer house – refused – allowed on appeal

S6/2003/941/FP AND S6/2003/942/LB

Conversion, refurbishment and change of use of former golf clubhouse to ten apartments, conversion of existing courtyard buildings to four dwellings, retention of the existing east cottage, erection of nine new dwellings adjacent to the main house erection of one new dwelling within the walled garden with new garage, staff flat plus associated garaging parking and landscaping and selected demolition of modern extensions to the walled garden cottage and main house.

Granted

S6/2001/0208/LB and S6/2001/0210/FP

Full planning permission and listed building consent for an extension to the existing Country Club for a health and leisure facility, change of use of part of the building for nine residential units, office and conference use at the Old Clubhouse, January 2002

Granted

S6/2001/0394/OP

Outline planning permission for the demolition of the single storey extensions, retention of the existing building as a single dwelling, with a single storey side extension on either side, plus two new dwellings and garages at the Walled Garden Cottage (then referred to as The Seminar House), August 2001.

Refused

S6-1996/0484/FP and S6/1996/0483/LB

Full planning permission and listed building consent for single storey extension to provide new laundry, enlarged ladies locker room and removal of vent, August 1996.

Granted

S6/1995/0414/FP and S6/1995/0539/LB

Full planning permission and listed building consent for conservatory,

Granted

S6/1993/0709/FP and S6/1993/0710/LB

Full planning permission and listed building consent for single storey extension to golf club house, December 1993.

Granted

S6/1990/1019/FP and S6/1990/1020/LB

Full planning permission and listed building consent for demolition of maintenance building, external alterations and single storey extensions to enable extended building to be used for hotel, golf and country club, December 1991.

Granted

S6/1987/0135/FP Full planning permission for 18 hole public golf course, July 1987.

Granted

Although not within the defined cartilage of the Tennis Court House, the history for the Walled Garden House is relevant in that this dwelling once comprised part of the wider Bedwell Park.

S6/2007/0596/MA Carport, garaging and storage - refused, dismissed on appeal

S6/2007/1410/MA Ditto (development was slightly smaller than appeal) - refused

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPG15: Planning and the Historic Environment

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV2: Landscape Conservation

ENV8: The Historic Environment

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

D1: Quality of design

D2: Character and context

D8: Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

Landscaping – As the development has already taken place, any damage will already have taken place

TOWN/PARISH COUNCIL COMMENTS

No comments received

REPRESENTATIONS

None. Period expired 15th August.

DISCUSSION:

The main issues are:

1. Impact on the Green Belt

This is a resubmission of an application that was refused earlier this year on green belt grounds. All other matters were considered under the previous application. Although there has been a policy change with the loss of further structure and local plan policies and the adoption of the East of England Plan, it is considered that these documents and policies within do not result in a different opinion in regards to the design, character of the area and impact on trees than was previously concluded. For this reason, it is considered appropriate to only consider the impact on the Green Belt.

1. The physical development is identical to that previously refused. The development was considered as inappropriate development and very special circumstances had not been submitted to outweigh the harm to the green belt in accordance with PPG2. This application has been submitted with a supporting statement of very special circumstances.

The agent, within the submission, has stated that the pavilion is very small in size (4.2 x 2.7 metres and maximum ridge of 3.25 metres. It is screened to three sides by landscaping and that only one other ancillary building is located on the site (other being the swimming pool pavilion allowed on appeal), which the Inspector did not consider to represent a disproportionate increase in size. Furthermore, they refer to the size of the site 0.98 hectares, (although our calculations bring it just in excess of 1 hectare), that the tennis courts were in existence prior to the development of the site and that it is not unusual for such a building to be provided with such a development and is well within what would normally be permitted development rights.

The Inspector, in his discussion of the pool and summerhouse stated that the 'summer house is of modest dimensions and replaces a smaller permitted summer house and would not be a disproportionate size compared to the new house'. Limited weight is attached to this because the site did not have a previously approved summer house. However, it is difficult to argue that the size of the pavilion is disproportionate, when taken against the wider context. However, if a number of small buildings were permitted across the site were allowed then the openness of the green belt would be significantly harmed.

Screening, in itself, does not make a building that is inappropriate appropriate. However, it would appear that the location of the building has been considered and this location chosen due to the proximity of the hardstanding of the court and the cover that the trees provide.

There is perhaps a case that a building is required due to the separation of the courts to the dwellinghouse. With the historic and previous use of the site, pavilion buildings were not required. As a use incidental to the residential use (tennis court), there is more of a case for a building. However, it must also be stated that any relaxation in relation to green belt policy in regard to this is only due to the tennis courts existing prior to the dwelling being built and the modest size of the structure. Allowing a building on this site would not mean that other tennis court buildings would be permitted, particularly where a tennis court has not historically existed.

The agent states that this would only be the second ancillary structure within the curtilage, however the site visit shows that a further building has been erected further south of the tennis court pavilion of a larger scale and therefore this is not accurate. However, planning

permission has not been sought, as yet, for this structure and the matter is currently under investigation by enforcement.

On balance, it is therefore considered that a case has been submitted and that planning permission can be granted.

RECOMMENDATION: APPROVAL

The application is retrospective and therefore there are no conditions to be attached to the grant of planning permission. Drawing numbers only need to be included on the notice.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

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

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2 and PPG15, East of England Plan 2008 policies SS1, ENV2 and ENV8 and development plan policies SD1, GBSP1, D1, D2 and D8 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 (see Officer’s report which can be inspected at these offices).

INFORMATIVES:

DRAWING NUMBERS:

4493/TCH/SLP/01 Rev C & 4493/TCH/CR/SP/01 Rev D & 4493/TCH/CR/01 Rev B & 4493/TCH/CR/SS/01 received and date stamped 8th July 2008

Signature of author.....

Date.....