

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

<b>APPLICATION No:</b>	<b>S6/2009/1726/FP</b>
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**NOTATION:**

The site lies within the Metropolitan Green Belt and Landscape Character Area (53) as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site is relatively flat and located within a 'double' gated area. There is a gate located close to the Great North Road which is controlled via a 'lodge keeper' and then a further gate at the entrance to the dwelling and its wider curtilage.

The existing dwelling is 2 storey with further accommodation within the roof. To the front is located a 3-bay garage block with first floor accommodation.

The residential grounds are comprised mainly of grass and beyond this a wooded area.

**DESCRIPTION OF PROPOSAL:**

The application seeks full planning permission for a detached garage and basement. Principally, this application is seeking permission for the basement due to the previous planning application S6/2009/0728/FP having already approved a replacement dwelling and detached garage.

The basement would be sited below the majority of the proposed garage, however a signification area would extend outside of the footprint of the garage. The approximate\* footprint of the garage is 6.5 x 12 metres whereas the footprint under the garage is 6.5 x 8.9 metres. The whole of the floor area of the proposed basement would be 484m<sup>2</sup> (reference to Design & Access Statement).

This area would provide parking for 6 vehicles as well as a vehicle restoration workshop and garden equipment store.

\* The scaling of the plans is very marginally out.

**PLANNING HISTORY:**

S6/2009/0728/FP Demolition of existing dwelling and garage and closure of existing access. Erection of new dwelling with basement to house swimming pool and non-habitable accommodation; erection of garage with ancillary staff accommodation; erection of dog pen and new vehicular access (amendments to planning permission S6/2008/1682/FP)  
Approved

S6/2008/1682/FP Erection of New Dwelling and Garage With New Access, following Demolition of Existing Dwelling and Garage

Approved 20/11/08

- S6/2004/1385/FP Amendment of planning permission ref: S6/2001/1530/FP, to allow for an alternative garage design for plots 1-4 (retention of existing without dormer windows)  
Approved 08/11/04
- S6/2001/1530/FP Demolition of existing buildings and hardstandings and erection of six dwellings, together with garages, access, landscaping and provision for two wildlife lakes. (revision to planning permission ref no. S6/2001/114/FP)  
Approved 11/12/01
- S6/2001/0114/FP Demolition of existing building and hardstandings and the erection of six new dwellings together with garages, access, landscaping and provision for two wildlife lakes  
Approved 31/08/01
- S6/1995/0325/FP Partial demolition and alteration to Leggatts' to provide an eight bedroom ' dwelling together with the demolition of four existing dwellings, barns and outbuildings and the erection of five replacement dwellings with associated garage and access  
Withdrawn
- 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 17/06/99

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

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPG13: Transport

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV2 – Landscape Conservation

ENV7 – Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

M14: Parking standards for new developments

D1: Quality of design

D2: Character and context

RA3 – Extensions to Dwellings in the Green Belt

RA10 – Landscape Regions and Character Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking

Standards, January 2004

## **CONSULTATIONS**

Thames Water -

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

## **TOWN/PARISH COUNCIL COMMENTS**

None received

## **REPRESENTATIONS**

None. Period expired 9<sup>th</sup> September. The application was advertised by site notice and neighbour notification letters.

## **DISCUSSION:**

### **Background**

Planning permission, as previously noted, has been granted for a replacement dwelling and garage in this location. The principle of these elements has therefore been accepted. The garage proposed with this application, could be built independently of the replacement dwelling and therefore planning policy RA3, together with PPG2 are considered relevant, rather than policy RA4 (replacement dwellings).

For the purposes of this application, it is intended to only discuss the proposal in relation to the basement, except where necessary to discuss other parts of the proposal, due to the basement being the only part that was not considered as part of the last application.

### **The main issues are:**

- 1. Impact upon the openness of the Green Belt**
- 2. Design of the development and character of the area**
- 3. Other Material Planning Considerations**

1. Planning policy RA3 allows extensions to dwellings where a number of criteria are met. These criteria are that the proposal would not result in a disproportionate increase in size compared to the original dwelling; and would not have an adverse visual impact (in terms of size, prominence, bulk and design) on the character, appearance and pattern of development of the surrounding countryside. PPG2 reflects this guidance

In this case, in relation to the second point (visual impact), it is considered that the basement would not have an impact on the character, appearance and pattern of development due to being completely underground, with no part of the basement being visible above ground. It is therefore considered that the second part of this policy has been complied with.

In regards to the first part, the wording refers to extensions to dwellings. It is considered that this proposal is not an 'extension to the dwelling' as such, as the space that is being provided would not be additional living space (a legal agreement, unilateral undertaking, has also been submitted to secure this) and therefore there would not be a disproportionate increase.

The proposal would therefore not conflict with any of the criteria of policy RA3.

It is however, also considered necessary to consider PPG2 to ensure that there would not be any issue in this regard. PPG2 defines the purposes of including land within the Green Belt (para. 1.5) and then defines the use of land within the Green Belt (para. 1.6). PPG2 states that the purposes of including land within the Green Belt are of paramount importance.

The agent has cited paragraph 3.12 of PPG2, which states:

*“The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.”*

It is considered that the development would not impact upon the overall openness of the land as the basement would all be below ground. Additionally, in this case, it is also considered that the proposal to have garden equipment stored below ground would be likely to reduce the need to provide additional storage in the future above ground. Permitted development rights for Class E (Outbuildings) were removed as part of the previous application and therefore any proposal would require the submission of a planning application. It is suggested that a condition is attached to this proposal requiring the garden equipment store area to be used for this purpose to further reduce the likelihood of buildings being required in the future. Overall, it is considered that the proposed development would not increase the intensity of the use of the site, which some basements might, and complies with paragraph 3.12 above and therefore the development is appropriate.

It is also, however, necessary to consider the possibility that the garage could be built independently of the replacement dwelling approved under S56/2009/0728/FP. . The legal agreement has secured the use of the garage basement, such that it cannot be used for living accommodation. However, it is considered necessary to include a condition to ensure that the development proposed with this application does not go ahead in isolation of the earlier permission, which would result in a new building set a significant away from the existing dwelling and would harm the openness of the Green Belt.

2. The basement would all be below ground. It is therefore that the ‘design’ of it is not applicable and that there would be no impact upon the character of the area. Therefore there would be no impact in relation to policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and relevant national and regional policies.

3.

#### Spoil

There would be a large amount of spoil removed as a result of the proposal. The agent has advised that where this is to be deposited has not yet been determined. The applicant may wish to use the spoil as part of the wider landscaping of the site or they may take it off site.

It would therefore be reasonable for a condition to be attached requiring details of where the spoil will be deposited and if on-site for details of a landscape plan to be submitted.

### Legal Agreement

The applicant has submitted an unilateral undertaking to secure the use of the garage as set out within the undertaking dated 4<sup>th</sup> June 2009 (received as part of the previous application (S6/2009/0728/FP)) and that the basement shall be used only for purposes ancillary to the new dwelling and/or incidental to the enjoyment of the new dwelling and the said area shall not be used for living accommodation.

### Sustainability

A sustainability checklist has been submitted as part of this proposal. This states that the proposal will comply with the aims of policy SS1. However, many of the criteria that have been ticked would appear to not relate to the actual basement – such as energy efficiency. Notwithstanding this, it is considered that there are limited economic and social aspects to the proposal, due to the type of development proposed. There are environmental aspects both positive and negative, but on balance the overall development, by maintaining the openness of the Green Belt (basement only) is considered to be acceptable.

### Parking

The number of spaces shown for parking of vehicles would exceed the requirements in the parking standards and thus the proposal would not be sustainable. However, the agent has advised that the basement parking would be for the owner's classic cars and not 'day to day' vehicles. It is therefore considered that this would be an incidental use to the main dwelling and could be argued to not be in conflict with parking standards. As such, it is therefore considered acceptable on the basis of the spaces within the ground floor of the garage complying with standards.

### **CONCLUSION:**

It is considered that the proposal does not conflict with any of the aims or purposes of including land within the Green Belt (reference PPG2) or local plan policy RA3. The development (basement) would be located all below ground and would not contain any alterations that would be visible from above grounds. The proposal would likely result in there being less pressure for outbuildings across the site due to the proposal showing an area as a garden store. Subject to conditions the development is considered acceptable. The legal agreement has been completed and signed (unilateral undertaking) to ensure that the basement does not, inter alia, become living accommodation.

### **RECOMMENDATION: APPROVAL WITH CONDITIONS**

#### **CONDITIONS:**

1. C.2.1 - 3 year time limit

2. C.13.1 - Development in accordance with approved plans/details

5096/30B & 5096/31A & 5096/32 & received and dated 7<sup>th</sup> August 2009

5096/33A received and dated 21<sup>st</sup> August 2009

5096/35 received and dated 15<sup>th</sup> September 2009

3. C.5.1 – Samples of materials to be submitted and agreed

4. All vehicular parking for site operatives (provision for delivery and storage of materials) shall be located within the defined residential curtilage and not within the area defined as 'parkland' during the course of the development hereby approved.

REASON: In the interests of the character of the area and to ensure that damage does not occur to the parkland from the development in accordance with Planning Policy Guidance Note 2: Green Belts.

5. Prior to the commencement of the development hereby approved, details shall be submitted to the Local Planning Authority for approval in writing of the proposed measures for the spoil resulting from the excavation of the basement. Should the spoil be proposed for use as part of landscape works across the site, detailed plans showing existing and proposed levels and contours shall be submitted to the Local Planning Authority for approval in writing. Subsequently any approved details shall be implemented and not amended.

REASON: In the interests of the amenity and character of the area in accordance with policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and wider sustainability in accordance with policy SS1 of the Welwyn Hatfield District Plan 2005 and PPS1.

6. The area shown as 'Garden Equipment Store' on drawing 5096/31A shall be used solely for this purpose.

REASON: In the interests of the character and openness of the area and to minimise the need for additional (above ground) storage facilities in accordance with PPG2: Green Belts.

7. The development hereby permitted shall only be implemented in association with the development approved under planning reference S6/2009/0728/FP dated 17<sup>th</sup> June 2009 and shall not be built independently of this permission.

REASON: In the interests of the character of the area and openness of the Green Belt to ensure that development does not sprawl across the countryside in accordance with PPG2.

#### **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 PPG13. East of England Plan 2008 policies SS1, ENV2, ENV7 and T14 and development plan policies SD1, GBSP1, M14, D1, D2, RA3 and RA10 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:**

1. The developer should incorporate protection to the dwelling and incidental accommodation by installing, for example, a non-return valve or other suitable device to avoid the risk of backflow, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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