

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/2273/FP
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NOTATION:

The site lies within the Metropolitan Green Belt and Landscape Conservation Area (52) as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application property comprises of a two storey brick detached dwelling which is accessed by a gated vehicular gravel driveway from the highway known as The Ridgeway. The property is set back from this road by approximately 25 metres and occupies a roughly rectangular shaped residential plot of approximately 56 metres deep by approximately 40 metres at its widest. This curtilage is bordered to the north and west boundaries by the highways of The Ridgeway and Well Road, and on the remaining east and south sides by mature woodland. This adjoining protected woodland is within the same ownership of the applicant and is protected by a Tree Preservation Order (TPO 3 - Woodland area W32).

A single storey building is located just over 5 metres from the dwelling house and comprises of a part brick and wooden framed building which accommodates vehicular garaging accessed by a pair of timber doors on the north elevation and behind this are two smaller storage areas accessed by timber doors on the west elevation. On the east elevation there is a later addition in the form of a lightweight corrugated structure which is accessed by doors on the north elevation and probably formed additional vehicular garaging.

The site is screened in part by mature vegetation along the boundaries adjoining The Ridgeway and Well Road. In regards to the remaining boundaries, the dwelling house is screened by the dense woodland.

DESCRIPTION OF PROPOSAL:

The application seeks full planning permission for extending the existing dwelling with a two storey side extension on the east side of the dwelling which would be approximately 4.3m wide and a detached double garage with a pitched roof following the removal of the existing garage/store outbuilding.

At ground floor level, the proposal would extend the existing front porch to create a cloakroom and to the rear of the property the existing bay window is to be rebuilt. Internally, the layout at the ground floor level is to be partly re-configured with the staircase to be repositioned and rebuilt. The accommodation would comprise of a living room, dining room, kitchen, utility room, study and WC.

At first floor level, the room layout is also to be revised to create a new layout of bedrooms although the number is not increased from the existing 4. Two en-suite

bathrooms are proposed in addition to the existing bathroom which has been enlarged.

PLANNING HISTORY:

S6/2008/0182/FP - Erection of two storey side extension and new detached double garage following demolition of existing garage/store - granted 08/05/08

S6/2006/0386/FP – Demolition of Existing Dwelling and Outbuildings and Erection of Replacement 5-Bedroom Dwelling and Detached Garage – refused 18/05/06 and dismissed at appeal

S6/2005/1320/FP - Demolition of Existing Dwelling and Outbuildings and Erection of Replacement 5-Bedroom Dwelling and Detached Garage – refused 13/12/05

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPS9 – Biodiversity and Geological Conservation

PPG13: Transport

East of England Plan 2008

SS1: Achieving Sustainable Development

T14: Parking

ENV2: Landscape Conservation

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1 – Sustainable Development

GBSP1 – Definition of the Green Belt

D1 – Quality of Design

D2 – Character and Context

R17 – Trees, Woodland and Hedgerows

R20 – Light Pollution

RA3 - Extensions to Dwellings in the Green Belt

RA10 – Landscape Regions & Character Areas

M14 – Parking Standards for New Development

Supplementary Design Guidance, Statement of Council Policy February 2005.

Supplementary Planning Guidance – Parking Standards –January 2004

CONSULTATIONS

Hertfordshire Biological Records Centre - confirm that

bats exist in the roof space of the dwellinghouse, but none have been found in the outbuildings following the site survey. It is recommended that the Council ensure that the potential impact of development on species and habitats of principal importance is addressed and that the proposed mitigation strategy be instigated under the supervision of the bat consultant and that work does not commence until a licence has been issued by Natural England.

Herts & Middlesex Wildlife Trust – raise no objections and suggest planning conditions an informative in regards to lighting and bat boxes on trees.

PARISH COUNCIL COMMENTS

Northaw & Cuffley Parish Council – state : This is a Green Belt location and the extensions appear to be disproportionate. If allowed it would make the dwelling materially larger than the existing contrary to the advice given in Para.3.6 PPG2 of the WHDPLAN 2005

REPRESENTATIONS

None.

Period expired 08/12/09

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DISCUSSION:

The main issues are:

- 1) Whether the proposal complies with Green Belt Policy**
- 2) Very special circumstances**
- 3) The impact of the proposal on the character of the existing dwelling and surrounding area.**
- 4) The impact on the amenity of the adjoining neighbours.**
- 5) Other matters**

1. Whether the proposal complies with Green Belt Policy

PPG2 states that the construction of new buildings in the Green Belt is inappropriate unless for one of a range of specified purposes. A limited extension to a residential development and alteration can be one of these, provided that 'it does not result in disproportionate additions over and above the size of the original dwelling'.

This wording is reflected in Local Plan Policy RA3, where proposals will only be allowed when considered with the existing or approved extensions to the original dwelling would not result in a disproportionate increase.

The existing dwelling can be considered to also be the original dwelling as it appears that the building has not been extended since 1948. The existing dwelling has a floor area of approximately 200 sqm and the proposed additions would be 102sqm which

would result in 51% increase in floor area over and above the original dwelling. The proposed extensions would also maintain the height of the existing roof.

The previous application approved extensions to the main dwellinghouse (S6/2008/0182/FP) which were 98 sqm. This application has a slightly larger floor space mainly due to a larger porch. This retained ridge height of the roof combined with the very slight increase in floor area compared to the previous approval would, when considered overall, not be disproportionate. Under the requirements of PPG2 it would be considered to be a limited extension, however, the new extensions are at the limit of what would be compliant with Green Belt Policy. The footprint of the replacement garage is the same as that which was previously approved. The proposal would also comply with first criteria of Policy RA3.

Turning to the issue of openness, which PPG2 considers to be the Green Belt most important attribute. The proposed extensions would have a visual impact to the countryside and so Para 3.15 of PPG2 is relevant. The size of the proposed extensions to the main dwellinghouse, compared to the previous 2008 approval, is not considered to be materially different. The current scheme would therefore neither adversely impact on the openness of the Green Belt or appearance of the surrounding countryside when compared to the original and existing dwelling.

A detached garage is proposed approximately 5m away from the dwelling in a similar location to where a current garage outbuilding is located and is approximately the same location as the garage approved in the 2008 application.

The new garage differs from the previously approved mono-pitched roof garage as a pitched roof approximately 5.5m high with gable ends is proposed. This increases substantially the visual impact and bulk of the building and so would have a substantially greater impact on the openness of the Green Belt. This increase compared to the existing outbuilding it would replace and the 2008 approval would be very significant and would harm the visual amenity of the Green Belt, particularly as it would be seen from the public highway.

In summary, the proposals to extend the main dwellinghouse and to replace the garage represent a limited extension to an existing dwelling as defined by PPG2. In regards to visual amenity, although the extensions to the main dwellinghouse are acceptable, the increase in height, bulk and mass of the new garage would harm the visual amenity of the Green Belt. The proposal therefore is considered to represent inappropriate development and so fails to comply with PPG2 and policy RA3.

2. Very Special Circumstances

PPG2 in paragraph 3.2 advises that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness is clearly outweighed by other considerations.

The reason for the increase in the height of the garage roof is to provide accommodation for bats as part of the mitigation strategy put forward by the applicants. Such a requirement was highlighted as a need in the previous 2008 application, although this did not form part of the design proposals for the garage.

The need for such accommodation and so for a pitched roof is reasonable to allow works to the main dwelling to take place. The condition of the dwellinghouse is also a material consideration, as this has deteriorated and is now in need of significant

repairs. Disruption to the existing roof of the dwelling is now unavoidable, and there is a more urgent need for alternative suitable accommodation for the bats.

These considerations to protect the habitat of the existing bats carries significant weight and any harm to the openness of the Green Belt is counter balanced through the importance attributed to protected species. The design of the garage is also more in keeping with the main dwellinghouse, and so these two factors when taken together provide the very special circumstances required to justify inappropriate development.

3. The impact of the proposal on the character of the existing dwelling and surrounding area.

The existing dwelling, although an interesting example of Victorian architecture is neither listed or in a Conservation Area. The proposed extensions have reflected the existing character of the original property by reflecting the existing architectural details such as the window designs and through extending the existing roof. The materials proposed would also reflect the existing with the use of matching slates, brickwork and timber windows and doors.

The proposed design of the extension would therefore compliment the existing building in terms of its detailed design and external finishes and so would comply with the design requirements of the local plan policies.

The design of the garage is in keeping with the character of the existing dwelling.

The proposed extensions and outbuilding are therefore considered to comply with the design requirements of Policy D1 and D2 along with the guidance contained within the Supplementary Design Guidance, subject to a planning condition which would require the submission of samples for approval.

3. The impact on the amenity of the adjoining neighbours.

The location of the existing dwelling is distant from any other residential properties and so no concerns arise from the impact of the proposed development on adjoining residential amenity. The proposal therefore complies with the amenity requirements of Policy D1 and the Supplementary Design Guidance.

4. Other Matters

Bats

The main dwellinghouse has been surveyed and bats are present in the existing roof space. A detailed bat report has been produced by a licensed bat consultant and a mitigation strategy is proposed. This will involve carrying out works to the roof at only certain times of the year so that this will not conflict with the breeding season and hibernation of this particular species. As bats are a protected species a high level of protection is afforded for this wildlife and national Planning Policy Statement 9 (Biodiversity and Geological Conservation) and under other legislation (Wildlife and Countryside Act 1981).

Although bats are protected under other areas of legislation, they are still a material planning consideration for the purposes of determining this application. Significant remedial works will have to be carried out to the existing roof as part of the

development in addition to the disturbance which will occur to the roof being extended.

It is suggested that it would be reasonable to attach a planning condition therefore to clarify the bat survey report findings that work to the existing roof can only be carried out at certain times of the year and that this work can only commence once a Habitats Regulation licence has been received from Natural England. This has also been suggested by Herts Biological Records Centre. The Bat report submitted by the applicants has identified on page 19 that 'the earliest possible time to start works is therefore in the spring (March/April) with the restriction that works can only start when the temperatures are above 8 degrees Celsius'. The previous approval on this site gave a more restrictive time in spring as being only April, but with no restraint on temperatures. It would be reasonable to give a longer time period, subject to this temperature in the Spring Period and condition 5 has therefore been modified. HBRC have raised no objections to this extended period.

In addition, a further condition requiring the approval of any proposed external lighting would also be reasonable. Although there are some details on the design drawing showing possible new lighting, it would be reasonable to obtain further details before approving these.

Demolition Work

The proposed extension would result in significant changes to the internal layout to the existing dwelling and would also require significant work to the existing east and south facing external wall. No changes are proposed to the west facing wall and apart from the porch on the north facing wall, no significant changes are proposed.

To ensure that the proposed work does not exceed that which appears to be the case on the design drawings it is suggested that it would be reasonable to attach a planning condition requiring the extent of the demolition works to be established and agreed by the Local Planning Authority prior to the commencement of work. The intention would be to avoid the possibility of the development work going beyond the scope of the original planning permission.

Trees

No trees are considered to be impacted by the proposed development.

Landscape Conservation Area

The application site is located in a Landscape Conservation Area. The proposals are considered to be of a design which will not harm the character of this part of the rural area. The proposal therefore complies with Policy RA10.

Brick Sample

A brick and slate sample has been submitted which are both reclaimed materials. The slate is a good quality natural slate which will be a good match to the existing.

In regards the brick, the agent was contacted to see whether a sufficient supply of these had been secured by the applicant to carry out the works. As this is not certain at this stage it was agreed with the agent that this would be subject to a planning condition for approval.

CONCLUSION:

The proposed extensions and outbuilding are considered to represent inappropriate development in the Green Belt and fails to comply with the requirements of PPG2 and RA3.

Very special circumstances do exist however to justify inappropriate development for the reasons given above subject to the following planning conditions.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – 3 Year standard time limit.
2. C.13.1: Development in accordance with approved plans/details 09044/5B & 09044/1C & 09044/2E & 09044/4 & 09044/6 – received and dated 23 Oct 2009
3. A brick sample to be used in the construction of the external surfaces of the buildings hereby permitted is to be submitted to and approved in writing by the local planning authority prior to the commencement of works for the external walls. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of 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.

4. No works of site clearance, demolition or construction shall take place in pursuance of this permission until:
 - A Habitats Regulations (EPS) licence has been obtained from DEFRA

Subsequently the approved mitigation strategy submitted with this planning application (Jones & Sons Report dated 28th October 2009) and the required Habitats Regulations (EPS) licence, must be instigated, in full, under the supervision required by the Habitats Regulations licence unless otherwise agreed in writing by the local planning authority.

REASON: To comply with the requirements of the Wildlife and Countryside Act and Habitats Regulations and to protect species of conservation concern in accordance with PPS9 Biodiversity and Geological Conservation.

5. No construction works (including demolition) to the existing roof of the dwellinghouse shall be carried out on site between the 1st May and the end of August inclusive and between the 1st November and the end of February in any year. In addition, works can only be carried out if temperatures are above 8 degrees Celsius in the Spring (March/April) period. Any other times and temperatures are to be approved in writing by the local planning authority. A

suitable replacement roosting site must be constructed before any works to the roof of the existing house commence.

REASON: To protect the breeding season of bats and the winter hibernation period as both brown long-eared and pipistrelle bats have been found in the existing roof space of the dwelling in accordance with the Wildlife and Countryside Act 1981 (As amended) and PPS9 Biodiversity and Geological Conservation.

6. Details of any proposed external lighting to be fixed to the external surface of the buildings hereby approved are to be submitted to the Local Planning Authority for approval in writing. The lighting shall be installed in accordance with the approved details. No further lighting shall be added unless without prior approval from the Council.

REASON: To ensure that no lighting directly impacts on bat roosting areas and, in particular, there is no light spillage to bat access points and to comply with PPS9 and Policy R20 of the Welwyn Hatfield District Plan 2005

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against National Planning Policy Guidance PPS1, PPG2, PPS9 & PPG13 and East of England Plan 2008 Policies SS1, T14 & ENV2 and local plan development plan policies SD1, GBSP1, M14, D1, D2, R17, R20, RA10 & RA3 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.

INFORMATIVES:

1. Please note the requirements in Condition 4 above **imposes a restriction on when certain development works can be carried out** as part of this planning approval in order to protect the bats present on this site. For clarification, this planning condition requires that **a suitable replacement roosting site must be constructed before any works to the roof of the existing house commence.**
2. Due to the impact of the approved works on the existing bat habitat a licence to derogate from the protection of the Habitat and Species Directive in the Conservation (Natural Habitats & c.) Regulations 1994 will need to be granted by Natural England before works start. The licence application will need to include a Method Statement with the results of the surveys (species of bats and roost type). In addition, Natural England will require a copy of the planning consent and a Reasoned Statement providing justification as to why the proposed works meet the requirements of the Conservation (Natural Habitats & c.) Regulations 1994. The mitigation strategy, including the licence application, must be instigated under the personal supervision of the bats consultants.
3. Planning permission will be required for the erection of any boundary

treatment (apart from hedges) adjoining a highway which is over 1 metre in height.

4. Planning permission will be required for the erection of a perimeter entry gate if it is over 1 metre in height adjoining a highway.
5. When designing external lighting as part of Condition 5 above, it is necessary to ensure there will be no direct lighting on the bat roosting area, particularly roost access and exit points. Any proposed exterior lighting should ensure dark dispersal flight routes, from the roost sites out into the surrounding woodland.
6. Existing mature trees and hedges should be retained to reduce the potential impact on bats which may be harmful to their habitat.
7. In regards to future bat boxes on trees as part of the mitigation scheme, these should be sited near a source of food. Bats feed over gardens, fields, water and in woodlands. Tall mature tree should be used and the boxes fixed at a height of 4 metres above the ground with the access facing south west or south east. The boxes should not be not too exposed so it will not experience extremes of heat and cold.

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