

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2010/2149/FP
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NOTATION:

This site is located within the Metropolitan Green Belt as outlined in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The site is located to the north of Wilkins Green Lane. The dwelling was built in the early to mid 17th century and consists of red brick with stone detailing and is Grade II listed. The site has a number of outbuildings towards the rear of the main house and landscaped lawns behind the main house. The dwelling has two vehicular accesses. One access is from Wilkins Green Lane to the south of the dwelling and close to the frontage of the main building, the other is from St Albans Road to the north which leads to a long tree lined gravel drive through the grounds. The entrances currently have pillars and gates which are modern in comparison to the original dwelling.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the erection of a gable sided, detached garage. The proposal would approximately measure 13.6m in width by 6.7m in depth with a ridged roof to a height of 4.69m. The proposal would be adjacent to Wilkins Green Lane and have lower eaves height of approximately 1.5m to the rear of the building.

PLANNING HISTORY:

S6/1984/297 - New boiler house - granted

S6/1984/298 - New boiler house (Application received May, 1984) - granted

S6/1984/299 - Car Park (Application received May, 1984) - granted

S6/1990/536 - Internal alterations - granted

S6/1988/643 - Listed building consent for removing dilapidated timber barn - granted

S6/2001/1367 - Elevational Alterations to Kitchen and Breakfast Room - withdrawn

S6/2001/1362 - Elevational And Internal Alterations - granted

S6/2004/1278/FP - Erection of a detached barn/workshop - Approved

S6/2004/1280/LB - Erection of a detached barn/workshop - Approved

S6/2006/326/LB - Formation of internal doorway at first floor level - Approved

S6/2007/620/FP - Erection of new gates to north and south entrances - withdrawn

S6/2007/625/LB - Erection of new gates to north and south entrances - withdrawn

S6/2007/1403/LB - Removal of render from main entrance - Approved

S6/2007/1521/FP - Erection of new gates to north and south entrances to replace existing gates - Approved

S6/2007/1524/LB - Erection of new gates to north and south entrances to replace existing gates - Approved

S6/2008/0477/FP - Erection of a detached garage with habitable accommodation above (west of Great Nast Hyde House), provision of parking area (to east of Great Nast Hyde House), provision of parking area (to east of Great Nast Hyde House) and new footgate (in eastern elevation of garden wall, following demolition of modern boiler house - Refused

S6/2008/0480/LB - Erection of a detached garage with habitable accommodation above (west of Great Nast Hyde House), provision of parking area (to east of Great Nast Hyde House), provision of parking area (to east of Great Nast Hyde House) and new footgate (in eastern elevation of garden wall, following demolition of modern boiler house - Refused

S6/2010/0456/FP - Alterations to entrance door surround - Approved

S6/2010/0457/FP - Erection of garage - Refused for the following reason:

1. The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in PPG2 to not to allow development unless it is for the purposes set out in PPG2 and appropriate to the rural area. The proposed garage outbuilding would appear prominent, visually intrusive and have a location at odds with the pattern of development in the countryside, by reason of its siting, height, bulk, mass and distance from the dwellinghouse. This addition would therefore have a detrimental impact upon the open character of the Green Belt. Furthermore, no very special circumstances are apparent in this case that would outweigh the developments harm. The proposed development would therefore fail to meet the requirements of PPG2 and Policies RA3 and D2 of the Welwyn Hatfield District Plan 2005.

S6/2010/2441/FP - Installation of a new gate and erection of boundary walls at the north entrance - Pending consideration.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV2: Landscape Conservation

ENV5: Woodlands

ENV6: The Historic Environment

ENV7: Quality in the Built Environment
Hertfordshire Structure Plan Review 1991 – 2011:
None.

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP1: Definition of Green Belt
R3: Energy Efficiency
RA3: Extensions to Dwelling in the Green Belt
RA10: Landscape Regions and Character Areas
RA11: Watling Chase Community Forest
D1: Quality of design
D2: Character and context
D7: Safety by Design
D8: Landscaping
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking
Standards, January 2004

CONSULTATIONS

HATFIELD TOWN COUNCIL COMMENTS

No comments received.

REPRESENTATIONS

None. Period expired 14 December 2010.

DISCUSSION:

The main issues are:

- 1) Impact of the proposal upon the character and setting of the listed building**
- 2) The proposed development's impact upon the visual amenity of the street scene.**
- 3) The proposed development's impact upon the openness of the Metropolitan Green Belt**
- 4) The proposed development's impact upon the residential amenity of the neighbouring properties**
- 5) Any other material considerations**

1. The proposed development would have a similar siting to the refused applications under references S6/2008/1158/FP and S6/2010/0457/FP. The proposal's design has been altered to reduce the overall size and to make the outbuilding appear more reflective of the barns on the opposite side of Wilkins Green Lane. This amended design reflects that appearance of the outbuilding previously approved within application S6/2004/1278/FP.

The proposal would be smaller and less ornate than the refused scheme under reference S6/2008/1158/FP. When compared with the previous approval, the size of the garage would not appear significantly larger and when viewed from the surrounding area it would be similar. The proposed garage would have a greater distance from the main Listed Building than the previous approval and be sited behind an established boundary treatment, which would create an appropriate screen. The proposal's modest design would prevent the garage from appearing

more prominent or competing with the main dwelling. The proposal would have the appearance of a rural outbuilding, which would not detract from the appearance of the main dwelling.

Although the proposal would be larger than the previously approved outbuilding, it would be more screened and less noticeable when viewed from the surrounding public areas. Due to the distance separating the main dwelling and the proposal, any impact upon the setting of the Listed Building would be offset. Unlike the previously refused outbuilding the proposal would not have a highly decorative and overly prominent design. The proposal would also clearly have a single storey appearance and not be suitable for habitable accommodation. The proposed garage therefore would not have an adverse impact upon the character and setting of the main Listed Building and it is considered to meet the requirements of PPS5.

2. In terms of the siting to the proposed development, it would have an appropriate positing in relation to the buildings on the other side of Wilkins Green Lane. The proposal would be sited in the same location as the previously refused scheme under reference S6/2010/0457/FP. This application includes details of why the development has been sited in this position, which sets out that historically there was a stable area on site, which has left and existing hardstanding and that in terms of the dwelling's function and the access area this is the most appropriate location.

Although objection was previously raised over this siting, after further assessment with the details that have been submitted, it is clear that the location of the proposal has been chosen to reduce its prominence and allow the historic layout of the site to be restored. The proposed garage would be some distance from the main dwelling, however, areas closer to the house could be used for temporary parking not under cover which is as existing. The proposal's separation from the main dwelling prevents an adverse visual impact upon the main dwelling and the garage's appearance would be relatively functional and not obtrusive.

As the proposal would be accessed from a small extension to the existing hardstanding and would not detract from the appearance of the main building, the garage area is appropriate for storage of vehicles.

Although large the proposed garage would have good proportions and its siting would retain a sufficient amount of space surrounding the outbuilding. The proposed doors may be more appropriate if they were divided into double side hung casements. However, appropriate doors and materials could be agreed by condition. Subject to appropriate finishes being agreed, when viewed in isolation the proposal would be an attractive building and would meet the high design requirement of Policy D1 of the Welwyn Hatfield District Plan 2005.

3. The site is clearly within the Metropolitan Green Belt and as detailed within the previous appeal decision and PPG2, the most important attribute of Green Belts is their openness. New development within the Green Belt should meet the tests set out within PPG2 and reflected within Policy RA3 of the Welwyn Hatfield District Plan 2005.

The site of the proposal used to accommodate a building and the foundations are still present, however, there is no clear record of its actual dimensions and overall appearance. It has been stated that this previous building accommodated stables. At the time of the previous appeal it was noted that there are no details of the design or scale of the stables. It is evident of OS plans, including the Local Plan proposals map

and remnants of the building can still be seen on site. Within the appeal of application S6/2008/1158/FP the Inspector noted:

“ I understand that the proposed site was previously that of a stable block. Whilst evidence of part of the flooring of that block remains, it was clearly removed many years ago. Therefore, I have attributed little weight to this matter in my determination of this appeal.”

As the appeal decision forms a material consideration in the determination of this application. The evidence of the previous building is not sufficient to justify the proposal. It has been noted that calculations of the floorspace of all the buildings on the wider site in 1948 would have been larger than the proposed coverage. However, there is not a clear record of these buildings and as with the stable block some were clearly removed many years ago.

The proposed outbuilding would be smaller than the previous refused schemes and would have a single storey appearance. The reductions from the appealed scheme have significantly altered the scale of the outbuilding and given it the appearance of an ancillary addition to the plot. Due to the more modest appearance of the current proposal its siting would be more acceptable. When considering the additional information which explains the proposal's siting, the amended scheme would not have the prominence or urbanising impact of the more two-storey appearance previously refused.

The proposal would appear very separate from the main building. The main house is a substantial building and when the proposal is compared with the main dwelling, the proposal would not appear excessive. The proposed garage would have a footprint of roughly 91.1sq.m. The proposal would have the appearance of a subordinate outbuilding and a sufficient separation would be maintained to prevent the appearance of building development having a cumulative and overdeveloped appearance with other buildings.

The proposal would be partly screened by an existing hedge and vegetation which is along the boundary with Wilkins Green Lane. As existing the vegetation creates a dense screen which would shield most of the proposal. It has been noted that the applicant wishes to retain the existing vegetation and it also adds to the security and privacy of the site. However, vegetation cannot solely be relied upon as a permanent screen. When assessing the proposed development without the existing boundary treatment it has been designed to be set down to the rear and the maximum height of the building would be set away from the boundary with the highway and surrounding public areas. Due to the proposed low eaves, single storey design and rural appearance, the outbuilding would not appear too prominent and would not have an adverse impact upon the open character and appearance of the locality.

It has been noted that large properties like the main dwelling often require ancillary buildings and this was recognised by the appeal Inspector. The existing buildings within the site are not appropriate to form a garage block and the siting is considered to be the most appropriate positioning for the proposal. When considering the amount of accommodation the main dwelling provides, it would not be unreasonable to expect a building of the proposed size for the storage of vehicles within the plot. The proposal would comprise a reasonable and incidental outbuilding when compared to the main dwelling.

When assessing the original dwelling and outbuildings the site appears to have had a greater coverage in 1948. When considering the buildings that were original and are

present at the time of this application the proposal would not be a significant addition in terms of size, mass and bulk. The resultant site would not have been extended disproportionately and the resultant development would not have an adverse impact upon the open character and appearance of the Green Belt.

The application has include some supporting justification for the proposal within a statement. The agents statement notes that the application dwelling is the sort of house whose owners would have more than one car but there are no garages. The statement goes on to explain that the siting of the garage is more appropriate than the previous approval as it does not involve driving around the house. Previous works to the layout of the site also mean that the pedestrian access is easier from the proposed garages. The agent has stated that he consider the details with the statement form very special circumstances.

The proposed development is therefore considered to meet the requirements of Policy RA3 of the Welwyn Hatfield District Plan 2005.

Although the proposed development would impact upon the open character of the area, it would not have an adverse impact upon the wider landscape character area. The proposal would therefore meet the requirement of Policy RA10.

4. The neighbouring properties are sited a sufficient distance from the proposed development to ensure that the occupants would not suffer any loss of residential amenity.

5. **Landscaping:** The proposed development would be sited close to and may involve the removal of a couple of small trees. These trees are not protected and do not make a significant contribution to the visual amenity of the surrounding area. The surrounding plot is well landscaped and the proposed development does not required a landscaping scheme to assimilate into the surrounding landscape. The application therefore would comply with Policy D8 of the Welwyn Hatfield District Plan 2005.

Policy RA10 and ENV5 requires contributions to be made to the Watling Chase Community Forest. When considering the existing trees and vegetation on site, a minimum of one new tree would be a reasonable contribution. Therefore, a condition ensuring that details of a new tree and it maintenance should be added to any approval.

Biodiversity: The presence of protected species is a material consideration, in accordance with PPS9 (Biodiversity and Geological Conservation), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "*a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.*" The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

East of England Plan 2008: The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the borough.

On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
- He failed to consider the likely environmental effects of revoking Regional Strategies

Whilst the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill, which is expected to begin its passage through Parliament before Christmas, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision.

Energy Efficiency: The application was submitted with a sustainability checklist which note the building would be used as a garage and for storage, therefore it would not require insulation. The checklist also notes that landscaping would be retained and these provisions are considered to be reasonable due to the use of the building. The proposal would therefore meet the requirements of Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

CONCLUSION:

The proposed garage has been designed to have an appropriate scale and has been sited to prevent an impact upon the character and setting of the adjacent Listed Building. Subject to appropriate materials the proposal has been designed to have a subtle and appropriate appearance which would not appear prominent or out of place. The proposal would not adversely affect the openness of the Green Belt and is considered to be acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: Standard Time Limit

Post Development

2. C.13.1: Development in accordance with approved plans/details 6103/100 REV.B & 6103/104 REV.B & 6103/105 REV.B & 6103/106 REV.B & 6103/107 REV.B received and dated 22 October 2010.

Pre Development

3. C.5.1: Materials to be submitted and agreed (including design of garage doors)
4. No development shall take place until full details on a suitably scaled plan, of native trees, representing a minimum of one new tree within the site's boundaries have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these trees shall be planted and maintained as approved.

The approved tree planting shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: The application site lies within the Watling Chase Community Forest and the landscaping of this site is required in order to protect and enhance the existing woodland cover. In accordance with Policies ENV5 of the East of England Plan 2008 and D8 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of Full Planning Consent:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2, PPS5 East of England Plan 2008 policies SS1, ENV2, ENV5, ENV6, ENV7 and development plan policies SD1, GBSP1, R3, RA3, D8, RA11, D1, D2, D7, RA10 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision 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.

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