

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

<b>APPLICATION No:</b>	<b>S6/2010/2604/FP</b>
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**NOTATION:**

The site lies within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site accommodates a recently constructed, detached replacement dwelling. The application dwelling has a 1.5 storey appearance. To the front of the property is a large hardstanding and a mature hedge screens the front boundary. Brick pillars and gates have recently been erected to enclose the vehicular access. Within the front garden there is modest vegetation. To the rear of the property is a patio and large amenity space that backs onto open land. The land level rises to the rear of the plot and the lawn area is on a higher tier.

**DESCRIPTION OF PROPOSAL:**

The proposed development would involve the erection of a single storey rear conservatory. The proposal would be sited to the centre of the rear elevation and approximately have a maximum depth of 5.2m by a width of 4.6m , with a pitched roof to a height of 3.7m.

**PLANNING HISTORY:**

S6/2007/0537/FP – Erection of a single dwelling with integral garage following the demolition of the existing dwelling and detached garage – Withdrawn.

S6/2007/1045/FP – Erection of a replacement dwelling – Withdrawn.

S6/2007/1766/FP – Erection of dwelling with integral garage, following demolition of existing dwelling – Approved.

**SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

East of England Plan 2008

SS1: Achieving Sustainable Development

Hertfordshire Structure Plan Review 1991 – 2011:

None.

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

RA3: Extensions to Dwellings in the Green Belt

R3: Energy Efficiency

D1: Quality of design

D2: Character and context

D8: Landscaping

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

## **CONSULTATIONS**

### **NORTH MYMMS PARISH COUNCIL COMMENTS**

No comments received.

### **REPRESENTATIONS**

None. Period expired 14 December 2010.

### **DISCUSSION:**

The main issues are:

- 1. The proposed development's impact upon the openness of the Metropolitan Green Belt and compliance with Green Belt Policy**
- 2. The proposed development impact upon the character and appearance of the locality**
- 3. The proposed development impact upon the residential amenity of the adjoining occupiers**
- 4. Other Material Planning Considerations**

1. The application dwelling is a replacement property, which has been built larger than the original dwelling. At the time of approval permitted development rights were restricted on the new dwelling. Therefore, the Council has retained control over further additions that would add to the bulk and mass of the dwelling and result in a property that would be disproportionate in size when compared to the original.

PPG2 sets out Government policy on Metropolitan Green Belts. Paragraph 3.1 states that: -

"The general policies controlling development in the countryside apply with equal force in the Green Belt but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances"

Paragraph 3.6 also states: -

"Provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts."

Policy RA3 of the Welwyn Hatfield District Plan sets out the Council's policy with regard to extensions to dwellings in the Green Belt, and these policies are consistent with the advice contained within PPG 2.

The policies advise that extensions to dwellings located within the Green Belt will only be considered as 'appropriate' development when they do not individually or when considered with existing or approved extensions to the original dwelling have an adverse and disproportionate impact in terms of prominence, size, bulk and

design on the character, appearance, pattern of development and visual amenity of the surrounding countryside.

Paragraph 3.6 of PPG2 emphasises that it is the 'original' building, which is important in assessing whether any proposal is disproportionate.

When comparing the existing dwelling to the previous dwelling and outbuilding, the floorspace of the property has increased and the floorspace is approximately 44% larger. This increase in size was allowed when considering that the previous dwelling had not been extended and the replacement dwelling has been designed to not be too prominent or dominant. The proposed development would increase the floorspace of the dwelling by 23.5m<sup>2</sup>. The original dwelling had floorspace of approximately 160m<sup>2</sup>. When the proposed development is taken into account the resultant dwelling would represent a 58% increase in floorspace when compared to the original dwelling.

The proposed extension would have a depth of 5.2m from the rear of the existing dwelling. The proposal would be relatively large when compared to the depth of the existing (replacement) dwelling and overall floorspace that would be created. As a result it is considered that the proposal would fail to comply with both parts of the criteria of policy RA3 (i and ii) – when considered against the original dwelling, the proposal would represent a disproportionate increase and have an adverse visual impact in terms of its prominence and design. Its bulk and size per se are considered acceptable within this Green Belt location. Notwithstanding that the development is located to the rear of the dwelling and has been sited to the central part of the dwelling, this is not considered to overcome the 'harm' to the Green Belt (para 3.2 PPG2). This view has been considered within previous appeal decisions (APP/C1950/A/06/2010413) and whilst this decision is some time back, both local plan and national policies have not changed in this time. not appear disproportionate in size when compared to the original dwelling.

The applicant has not put forward a very special circumstances case to outweigh the harm to the Green Belt and, as such, the proposal fails to comply with RA3 and PPG2.

2. The proposal has been designed to reflect the appearance of the main dwelling with matching timber casements and brickwork. Although the depth of the proposal would be relatively large, the overall size and design would be subordinate to the existing dwelling.

Due to the proposal being single storey with a hipped roof, the bulk and mass would be limited and it would not appear overly prominent when viewed from the surrounding area. The proposal would not have an adverse impact upon the visual amenity of the surrounding Green Belt area.

From a design point of view the proposal would not have an adverse impact upon the character and appearance of the locality and the existing dwelling.

3. The proposed development would be sited to the rear of the property and have a reasonable distance from the side boundaries of the plot. The adjacent properties are both detached and set away from the shared boundary. The proposal would have side facing windows and therefore any overlooking of the adjacent occupiers must be assessed.

The boundary treatment with the adjacent property to the south (no 35) is a tall and dense hedge. As the proposal is single storey there would be not further overlooking or loss of privacy with regard to number 35.

The adjacent property to the north (no 45) is set a substantial distance from the proposed conservatory. Although the boundary treatment to the northern boundary is relatively low and does not create a dense screen, the main curtilage of number 45 appear to be set way from the boundary. At the time of the site visit there was some play equipment within view from the application dwelling's rear garden, but the main habitable areas of the dwelling and plot are sited a sufficient distance from the boundary.

The proposed development would therefore comply with the requirements of Policy RA3 and the design requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

**4. Sustainability and Energy Efficiency:** The application has been submitted with a sustainability checklist which notes the proposal would be made from sustainable timber and have double glazing. When considering the proposal would be an addition to an existing property, these provisions are reasonable to meet the requirements of Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

**Protected Species:** 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 policy SS1 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.

The proposal would not affect any mature trees or vegetation that are worthy of protection.

**CONCLUSION:**

The proposed development would not have an adverse impact upon the character and appearance of the locality or the residential amenity of the adjoining occupiers. Although it appears that the application dwelling is at its limit in terms of extensions under current Green Belt policy, the proposed development, when considered with the existing approved increase in size of the replacement dwelling would not result in a disproportionate property. The application is considered to be acceptable and would meet the requirements of the Welwyn Hatfield District Plan 2005.

**RECOMMENDATION: REFUSAL**

- 1. The proposed conservatory would, by reason of its size, siting and scale when considered cumulatively against the size of the original dwelling which existed prior to 2007, be disproportionate in scale to the size of the original dwelling, resulting in a significant increase in built form within this rural Green Belt location and as such, would have a harmful effect on the openness and character of the Green Belt. The proposed extension is therefore contrary to policy RA3 of the Welwyn Hatfield District Plan 2005 and PPG2. No very special circumstances have been shown to exist.

Drawing Numbers: 1:1250 & A/748 received and dated 9 November 2010.

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