

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2010/3095/FP
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NOTATION:

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

DESCRIPTION OF SITE:

The application site accommodates a Grade II* Listed Building (1 Northaw Place). Northaw place was constructed in 1690 as a two-storey house, with basement and attic rooms. A second storey was added in the early 19th Century. A balancing single storey wind was added in 1988.

The property's main feature is a painted staircase hall which dates from around 1700, which is of national significance, and is the remaining significant internal feature, since much of the remaining original fabric was stripped from the interior when the building was substantially repaired around 1988.

Although the restoration of the internal paintings was secure by enabling development in the 1980's, several inappropriate internal alterations have been carried out over the years. The property is currently undergoing repairs, maintenance and approved alterations throughout the whole building.

Northaw Place is listed as an unregistered park and garden in the Welwyn Hatfield District Plan 2005. The surrounding plot is well landscaped with mature tree and vegetation surrounding. To the south of the main building a rear garden is enclosed by a brick wall.

DESCRIPTION OF PROPOSAL:

The proposed development would involve the erection of a detached garage to the eastern side of the main building. This addition would be sited close to the main entrance to the dwelling and sit adjacent to alterations that have been approved to the rear of the dwelling.

The proposal would approximately measure 9.2m in width by 6.2m in depth with a ridged roof to a height of 5.6m.

PLANNING HISTORY:

Northaw Place has an extensive property history. However, when considering the proposed developments, the most relevant applications were determined in the 1980's. These applications have the following reference numbers:

S6/1986/0970/LB – Extensions and alterations and partial demolition to form 4 dwellings – Approved.

S6/1986/0971/FP – Change of use from institutional to residential to form 4 dwellings and erection of five dwellings with garages – Approved.

S6/1998/1249/FP – Amendments to S6/1988/1249/FP – extra dormers on rear of garages to each dwelling and 2 single storey conservatories on rear of houses type A – Approved.

S6/2009/2355/PA – New detached garage with adjacent plant and store room and proposed repairs and alterations to the main house – response generally supportive of internal works.

S6/2009/2702/LB – Alterations include: new window in the west wing north elevation, 1st floor; roof lantern in flat roof of west wing; formation of two access hatched to roof gutters internal alterations to second floor to rearrange bathrooms; redesign of 20th century staircases to 2nd floor and west wing, reopen blocked doorway between original dining room and morning room, alterations to 20th century cornices, door surrounds in entrance hall, replace 20th century floor boards on ground floor, stripout bathroom on first floor and reinstate south east room, replan kitchen and bathroom in basement – Approved.

S6/2010/0273/LB – Alterations include:-conversion and extension of existing east wing (garage & kitchen) to form new kitchen and swimming pool, shower area and mezzanine and 1st floor bathroom over kitchen, linked by new staircase to swimming pool. construction of new conservatory. associated service installations. works to main house east elevation 1st floor; installation of new door to replace modern door and build up window formed in 1988; reinstatement of porch and replacement of modern door on south elevation – Approved.

S6/2010/0110/MA – Alterations include:-conversion and extension of existing east wing (garage & kitchen) to form new kitchen and swimming pool, shower area and mezzanine and 1st floor bathroom over kitchen, linked by new staircase to swimming pool. construction of new conservatory. associated service installations. works to main house east elevation 1st floor; installation of new door to replace modern door and build up window formed in 1988; reinstatement of porch and replacement of modern door on south elevation – Approved.

S6/2010/2898/LB – Amendments to applications S6/2009/2702/LB and S6/2010/0273/LB comprising a modern partition in mezzanine west wing; half glazed double doors to first floor landing; roof access hatch on west wing roof; conservatory rooflight on main inner pitch; painted timber screens on proposed conservatory to have double doors and powder coated aluminum glazed doors to pool room – Pending Consideration.

S6/2010/3094/LB – Erection of new brick piers on footings to stabilise existing wall and alterations & repairs to wall – Pending Consideration.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPS5: Planning and the Historic Environment

PPS9: Biodiversity and Geological Conservation

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV2: Landscape Conservation
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
R29: Archaeology
RA3: Extensions to dwellings in the Green Belt
RA10: Landscape Regions and Character Areas
D1: Quality of design
D2: Character and context
D8: Landscaping
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

Hertfordshire Buildings Preservation Trust (BEAMS) – The following comments were received:

As discussed before & as previously advised, following the site meeting with the architects- both the proposed **3-bay detached single storey garage block** (3096/LB) & the proposed series of new **brick piers, minor stabilising & enhancing alterations & conservative repairs & re-pointing** of the wall accord with the approach to design & re-instatement/ stabilisation that were discussed & agreed at that site meeting. The works to the walls of the walled garden are strongly to be encouraged as an important part of the total repair/ alteration/ extension works comprising the current phase of works to this building of outstanding interest & national importance. The garage block can be tucked alongside the side additions of the principal house, without, I understand, detriment to the best of the trees in this part of the setting of the listed building. With the additional screen planting proposed the new garage should be able to be a low-key background element in the wider gardens & sensitive setting of the main house.

Some further additional specification details for both applications are still required- suggest standard materials & specification/ schedule/ method statement conditions.

English Heritage – was consulted on the proposed works at pre-application stage. Within feedback on various alterations comments were made on a garage within the proposals position.

It is proposed that the loss of the existing garaging would be made good by the construction of a detached garage block east of the house. Given the persuasive case for improving the amenities of the house so as to ensure that it remains a single unit, the construction of this block, although undesirable in its implications for the setting of the house, would seem justified. It is important that it should be thoroughly screened by planting.

Hertfordshire Gardens Trust – The proposed site for the detached garage is within the immediate setting of the listed building and its garden. It will be visible from the

front of the house and from the garden. The rustic design of the timber clad three bay garage bears no relation to the period or style of the house or its garden. In size and scale it competes with the extension proposed in the recently approved application S6/2010/0273/LB and detracts from the setting and character of the house.

The application cites very special circumstances, but we do not feel that the criteria in Policy RA3 or Policy R25 of the Welwyn Hatfield District Plan have been met in this case.

Hertfordshire County Council (Archaeology) – Suggested conditions on application S6/2010/0110/MA and verbally suggested conditions to this application.

Welwyn Hatfield Council (Trees and Landscape) – No objection, subject to conditions.

NORTH MYMMS PARISH COUNCIL COMMENTS

The PC feels that this is a listed building it should be left to specialist comments.

REPRESENTATIONS

The application was advertised by neighbour notifications, a site notice and a press notice. One representation was received. Period expired 5 February 2011.

An objection was received from Hertfordshire Gardens Trust, which stated the proposed site is within the immediate setting of the listed building and its garden. The rustic design of the timber clad three bay garage bears no relation to the period or style of the house or its garden. In size and scale it competes with the extension proposed in the recently granted application S6/2010/0273/LB and detracts from the setting and character of the house. It was also note that they do not feel there are very special circumstances in this case.

DISCUSSION:

The main issues are:

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

1. PPG2 explains that the most important attribute of Green Belts is their openness and that one of the purposes of including land in Green Belts is to safeguard the countryside from encroachment. In a Green Belt location, development is held to be either appropriate in planning terms, or inappropriate. Paragraph 3.4 lists certain categories of built developments that are not inappropriate in the Green Belt. This list includes limited extensions to existing dwellings. However, such extensions will be inappropriate development if they result in disproportionate additions over and above the size of the original building.

Policy RA3 (Extensions to dwellings in the Green Belt) of the Welwyn Hatfield District Plan 2005 reflects this advice and requires all of the following criteria to be met:

- (i) *The proposal would not individually or when considered with the existing or approved extensions to the original dwelling, result in a disproportionate increase in the size of the dwelling;*
- (ii) *It would not have an adverse visual impact (in terms of its prominence, size, bulk and design) on the character of the surrounding countryside.*

In regards to criteria (i) it is necessary to assess what is considered to represent the 'original' dwelling. The history of the application building is unusual as the original building was larger than the building that stands today. However, the original building stood on a much larger site which has since been developed through enabling development, which allowed additional properties to be built to ensure that the paintings within the main Listed Building were restored. There is not a clear and accurate record of the original building, however, historic OS maps show there were previously outbuildings across a large proportion of the site.

When considering the proposed development as an addition to the existing building, which is the same site as when the site was redeveloped in the 1980's, the proposed outbuilding would be subordinate to the main dwelling. A visual assessment of the proposal and approved additions also shows that they would also be subordinate to the main dwelling. Therefore, when the enabling development that was carried out in the 1980's is not taken into account the proposed development would meet the requirements of Policy RA3 (i) criteria.

However, the enabling development cannot be ignored and it appears to have had an urbanising impact upon the character of the wider original site. Therefore, the development that has been carried out on the original site that stood in 1948 is considered to be disproportionate to the original dwelling that stood at this time.

With regard to Criteria (ii), the proposed outbuilding would be subordinate to the main dwelling and relatively would not be too large in terms of bulk and mass. The resultant dwelling would not appear significantly more dominant or prominent within the surrounding landscape. The resultant dwelling would not appear disproportionate to the original and the visual impact upon the openness of the Green Belt would be acceptable.

From the above assessment, the amount of development that has taken place on the wider site could be considered to be contrary to Green Belt Policy. Therefore, the only allowance for further development is if very special circumstances exist that would outweigh the developments harm and inappropriateness.

The agent has included several details of why there are very special circumstances that would outweigh the harm and inappropriateness of the development. The agent's very special circumstances are:

- The proposed improvements to the house approved in previous planning applications, provide facilities which a listed property of this quality and size was lacking, to enhance its amenities to help ensure that it can remain in use as a single dwelling in the future and which will reduce the potential risk of future neglect of its historic fabric.

- The proposed adaption of the existing garage within the modern east wing block to improve the amenities of the house necessitates the need to construct a separate garage. The development of the stable yard (on the west side of the property) into dwellings in the 1980's left the original house with not outbuildings or garden stores which are needed on a house of this size and quality.
- The proposed garage to the east side of the house, by its scale, massing and design and use of natural, traditional and vernacular materials respects the scale of the main listed building so that it is very much a secondary element. The size of the proposed garage is modest in relation to the size of the house.
- The location of the proposed garage has been carefully considered. It is located outside of the walled garden to the east, to protect the setting and character of the listed building. The proposed garage in its chosen location will have little impact on the open space outside the walled garden as a result of its position between two tree screens and its setback from the house frontage where it will be screened by the shrubbery adjacent to the front of the house.
- The proposed garage is positioned so that it is masked from the main access gate to the site from public view. It is thoroughly screened by planting and the tree screen which separates the walled garden and service track from the lawned open space.
- Comments from the Tree Officer indicate that there will be no major impact on trees; the nearest tree is a lime tree which will not greatly affect the proposal.

When considering the inappropriate additions that have been previously carried out and the comments from English Heritage, it is appropriate to support a scheme that would repair and restore the property. The proposed alterations to the proposed garage were necessary as this part of the building was in a poor state of repair. Although the repair did not require this area to be converted from a garage, it formed a much wider scheme of development which ensured the repair of the dwelling. Furthermore, the previous integral garage gave the property an unattractive appearance to the eastern side.

When considering the size of the dwelling and the accommodation that it provides, it is reasonable to expect some form of external storage for maintenance of the grounds and storage of garden equipment. Since the redevelopment of the site there was not an approved shed or external storage area. The previous integral garage provided some storage space, however, the access to this areas was not convenient.

The proposed development forms part of a project to appropriately restore the building. When considering it is a Grade II* Listed Building that requires appropriate associated buildings and facilities, the proposed outbuilding would complete the provision of ancillary accommodation that would be reasonable to expect with the dwelling.

The proposal would be sited relatively close to the main building and be accessed by a small extension to the existing hardstanding. Therefore, the proposal would not significantly spread development within the plot, which would reduce its impact upon the openness of the Green Belt.

It should also be noted that the occupants of the site are likely to have vehicles which ideally would be stored within a garage. Furthermore, the appearance of cars stored on a hardstanding would also have some form of visual impact and the proposed garage would be in a more discrete position than the existing hardstanding to the front of the dwelling.

When considering the proposal's inappropriateness against the necessity for some form of external storage and the wider benefits of the sites redevelopment, on balance, the very special circumstances would outweigh the development's harm upon the openness of the Green Belt. The proposed development would improve on previous alterations that were not well constructed and harmed the character of the building. The proposal would improve the character of the Listed Building and help secure its future maintenance.

When considered with the other additions to the application site that have been built and approved, the site is at or close to its limits of what is considered to be acceptable within the Green Belt.

2. The proposal would not be viewed from the surrounding public areas and would not have an impact upon the character and appearance of the wider site. The proposal has been designed to work with the existing land levels and would be set down when compared to the adjacent garden area.

The proposal has been designed to have a relatively large roofspace. Although this would add to the height and bulk of the building, it would be reflective of the roof pitches of the main dwelling and give the building an appropriate appearance when it is viewed without the surrounding vegetation that forms a screen.

The proposal would not be viewed from the surrounding public areas and would not have an adverse impact upon the visual amenity of the Green Belt. Therefore, the proposal would not have an adverse impact upon the wider landscape character area. An appropriate landscaping scheme would add to the visual amenity of the surrounding landscape character, therefore, application would meet the requirements of Policy RA10 of the Welwyn Hatfield District Plan 2005.

3. Although as noted by English Heritage the siting would not be ideal when compared to the setting of the main house, the site is the most discrete position available.

The proposal has been sited within an area that is screened by mature trees and would not be viewed prominently on the approach to the main house. The proposal would partly be screened by additional planting and a recent hedge has been planted to the western side of the access road. Although it is appropriate that the appearance of the proposal is softened by additional planting, if the vegetation were to diminish in the future, the proposed garage would not significantly detract from the character and appearance of the Listed Building.

The proposal would have the appearance of an ancillary outbuilding and would be sited within a position that would be relatively discrete. The proposal would not have an adverse impact upon the character and appearance of the locality. Subject to appropriate materials being agreed the proposal would have an acceptable appearance when viewed within the adjacent Listed Building.

Although Hertfordshire Gardens Trust has objected to the proposal, the true impact of the outbuilding can only be assessed by visiting the site. The proposal would not be

prominently viewed with the principle elevation and main areas of the listed building. The design and materials have chosen to not mirror the appearance of the main building and to have a subordinate appearance. The main building is far grander and would clearly appear dominant and more prominent than the proposal.

4. The proposed development would mostly be screened from the neighbouring properties by the existing house. The adjacent properties would not suffer any overbearing impact or noticeable loss of light. The outbuilding would not have an adverse impact upon the residential amenities of the adjoining occupiers and therefore the proposal meets the requirements of Policy D1 of the Welwyn Hatfield District Plan 2005.

5. **Archaeology:** The application site is within an area of archaeological significance. A response to the previous application for extensions from the County Archaeologist suggested that if the ground has not been previously disturbed at the location of the works, an archaeological condition should be added if the Council is minded to grant consent.

Through a discussion with the County Archaeologist it was confirmed that this is the case for the proposed development. Although the proposal would be sited on an existing open area, the ground covering is not considered to be substantial and the proposed would are likely to have foundations to a much greater depth. Therefore, an approval should be appropriately conditioned to prevent an adverse impact upon archaeological remains.

Trees & Landscape: The site has recently been assessed by the Council's Tree officer. It was noted that there are several mature trees within the site, however, the proposal would only be within the root protection area (RPA) of one lime tree which is approximately 5.5m tall. This tree was adjacent to a tree which had to be removed due to being diseased. The disease of the previous tree could have spread to this tree and it has been suggested that the tree should be checked regularly.

The proposed works within the RPA of this lime tree could have an impact upon its health and make it more susceptible to the disease. It was therefore recommended that appropriate tree protection measures are put in place and a landscaping scheme is agreed to soften the appearance of the new development.

Sustainability and Energy Efficiency: The application has been submitted with a sustainability checklist. The checklist notes that the proposal would be constructed using timber from sustainable sources and the surrounding landscaping would be improved. As the proposal forms an outbuilding to an existing dwelling these provisions are considered to be a reasonable effort to meet the requirements of Policy 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 an 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, the policies in the East of England Plan are currently 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.

CONCLUSION:

The proposed works generally are part of a wider scheme to restore a property that has suffered various inappropriate alterations and additions over the years. The proposed outbuilding is considered to be a reasonable addition to the property and its requirements outweigh any harm of its impact upon the openness of the Green Belt. The proposed development is considered to be acceptable and would comply with the relevant requirement of the Welwyn Hatfield District Plan 2008.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1: Standard Time Limit (3 Years)
2. C.13.1: Development in accordance with approved plans/details G1116 & 1000 & G1113 & G2114 & G2115 received and dated 24 December 2010.
3. The development hereby approved shall only be carried out, either in conjunction with or following the implementation of the works approved within the Listed Building applications under references S6/2009/2702/LB and S6/2010/0273/LB.

REASON: The proposed development would not be acceptable unless it forms a larger scheme of works, which are only consider acceptable within the Green Belt due to the very special circumstances advanced within this application, which are considered outweighs the harm to the Green Belt and will ensure the restoration of the main Listed Building. To ensure that the development is in compliance with PPG2 the redevelopment of the site must be considered as a whole.

Pre - Development

- 4. C.5.1: Materials to be agreed
- 5. C.4.1: Landscaping scheme to be submitted and agreed (points e, f, g and h)
- 6. C.4.5: Trees to be protected during works

Archaeology

- 7. **A.** No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
 - 1. The programme and methodology of site investigation and recording
 - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
 - 3. The programme for post investigation assessment
 - 4. Provision to be made for analysis of the site investigation and recording
 - 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 - 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B. The development shall not be occupied/used until the archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition (**A**) and the provision made for analysis.

REASON: To enable the inspection of the site by qualified persons for the investigation and recording of archaeological remains in accordance with PPS5 and the Historic Environment and policy ENV6 of the East of England Plan 2008.

Post – Development

- 8. C.4.2: Landscaping scheme to be implemented

INFORMATIVES: None.

Summary of reasons for grant of permission

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2, PPS5, PPG13, East of England Plan 2008 policies SS1, ENV2, ENV6, ENV7 and development plan policies SD1, GBSP1, R3, R29, RA3, RA10, 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).

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