

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

<b>APPLICATION No:</b>	<b>S6/2011/0198/FP</b>
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**NOTATION:**

The site lies within the Metropolitan Green Belt and the North Mymms Common Newgate Street Farmed Plateau Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site comprises of a large detached dwellinghouse set within well landscaped grounds approximately 1.6 hectares in size. The main entrance exists along Kentish Lane with a gravelled driveway lead round to the dwellinghouse. Adjacent to the dwelling is a former garage which has been previously extended and converted. Currently the outbuilding incorporates a two bedroom staff annex in the roofspace and a garage area and former one bedroom staff annexe on the ground floor. To the north of the site is another outbuilding used for gardening purposes.

**DESCRIPTION OF PROPOSAL:**

The proposal is to convert the existing residential unit on the ground floor of the detached outbuilding to be used as a garden room.

The proposal also seeks permission to retain the first floor staff annex. Planning Application S6/2003/1120/FP granted permission to alter the roof of the outbuilding from a pitched roof to a mansard style roof to provide storage space at first floor level for the occupiers of the existing staff annex on the ground floor. A condition was attached to this application stating, 'The extension hereby approved shall be used only as storage in conjunction with the use of the rest of the property as a single family dwelling and shall not be let, sold or otherwise occupied as a separate residential unit'. The owners have since converted the original storage space into a two bedroom residential dwelling to be used as a staff annex. The owners seek to retain the first floor staff annex to provide a more suitably sized dwelling.

**PLANNING HISTORY:**

S6/0947/95/FP – Demolition of existing redundant greenhouses, and erection of two storey rear extension, garage block, formation of new access and change of use of land from redundant nursery to residential garden. Withdrawn

S6/0173/97/FP - Demolition of existing dwelling, glasshouses and barns and construction of replacement dwelling and garage. Granted (S106) 3<sup>rd</sup> December 1997  
Permitted development rights removed

S6/1052/97/FP - Demolition of existing dwelling, glasshouses and barns and construction of replacement dwelling and garage (variation to planning permission S6/0173/97/FP to add conservatory, attic dormers and garden store) Granted 2<sup>nd</sup> March 1998  
Permitted development rights removed:

- Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, Class A, B, C and E

S6/0484/99/FP – Erection of Garden Store. Granted 2<sup>nd</sup> August 1999

S6/2001/1195/FP – Conversion and extension of existing garage to form living accommodation for staff. Granted 12<sup>th</sup> August 2002

Condition 3: The occupation of the ancillary living accommodation within the extended garage hereby permitted shall be limited to the owner/occupier of Wildewood, members of the owner/occupier's family or staff employed by the owner/occupier in connection with the occupation of Wildewood as a residential dwelling. The ancillary living accommodation shall at no time be let, occupied separately or sold as an independent dwelling.

S6/2003/1120/FP – Alteration to roof of detached garage. Granted 15<sup>th</sup> September 2003

Condition 3: The extension hereby approved shall be used only as storage in conjunction with the use of the rest of the property as a single family dwelling and shall not be let, sold or otherwise occupied as a separate residential unit.

S6/2005/0246/FP – Erection of an orangery and pool enclosure. Refused 29<sup>th</sup> April 2005

S6/2005/0586/FP – Erection of an orangery to side of building. Granted 30<sup>th</sup> June 2005

S6/2005/0881/FP – Erection of swimming pool enclosure. Refused 7<sup>th</sup> September 2005

S6/2011/0208/MA - Erection of side extension to create new orangery with basement. Refused 12<sup>th</sup> April 2011.

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

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPS9 - Nature Conservation

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

R3: Energy Efficiency

D1: Quality of design

D2: Character and context

M14: Parking standards for new development

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

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

## **CONSULTATIONS**

None

## **TOWN/PARISH COUNCIL COMMENTS**

None

## **REPRESENTATIONS**

This application has been advertised by neighbour notification letters and site notice and 0 representations have been received. Period expired 10<sup>th</sup> March 2011.

## **DISCUSSION:**

- 1. The impact of the proposal on the openness of the Green Belt**
- 2. The impact of the proposal on the character and appearance of the dwelling and surrounding area**
- 3. Impact of the proposal on amenity of adjoining neighbours**
- 4. Other material planning consideration**

## **1. The impact of the proposal on the openness of the Green Belt**

The garage as depicted on submitted drawing no. 10424/S/001 is an amalgamation of previous planning permissions with a number of additions which thus far have not received planning permission.

The ground floor extension to the existing garage and conversion to a one bedroom living accommodation was granted permission under application S6/2001/1195/FP. It appears that this proposal was carried out following the implementation of planning application S6/2003/1120/FP as the plans submitted do not show the extension or conversion. The 2003 application was to alter the roof of the existing garage from a hipped roof to a mansard style roof to provide storage space in association with the living accommodation on the ground floor. Two rooflights were proposed on both the front and rear elevations of the proposed roof.

Since the implementation of these two permissions, the applicant has converted the original storage area in the roofspace to a two bedroom staff annexe. A further six rooflights have been added to the roofspace to create five rooflights on both the front and rear elevations. External steps have also been added to the southern elevation of the outbuilding which creates the only access to the habitable accommodation above.

As part of this application, the applicant seeks the retention of the two bedroom, first floor annexe and convert the existing one bedroom, ground floor annexe into a garden room. The application also seeks the retention of the external alterations including the addition rooflights and external staircase and these alterations form the discussion below.

National Planning Guidance in Planning Policy Guidance Note 2 'Green Belts' (PPG2) in paragraph 1.4 identifies that the most important attribute of the Green Belts is their openness. PPG2 sets out a general presumption against 'inappropriate' development in Green Belts, adding such that development should only be permitted in very special circumstances. It is for the development plans to then make clear the approach of the local planning authority, including the circumstances (if any) under which extensions to dwellings are acceptable.

Local Plan Policy RA3 accords with PPG2 in as much as it sets out the criteria for extensions to dwellings in the Green Belt. The criteria also applies to outbuildings for which planning permission is required:

### **Policy RA3 – Extensions to Dwellings in the Green Belt**

Permission for extensions to existing dwellings within the Green Belt will be allowed only where all the following criteria are met:

- (i) The proposal would not individually or when considered with 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 or design) on the character, appearance and pattern of development of the surrounding countryside.

The outbuilding previously had planning permission for the extensions and therefore does not need to be assessed under part (i).

With regards to visual impact, the additional rooflights and external staircase are not considered to be of a size to cause an adverse visual impact taking into consideration that the alterations are minimal.

## **2. The impact of the proposal on the character and appearance of the surrounding area**

Policy D1 requires the standard of design in all new development to be of a high quality. Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.

The dwellinghouse and outbuilding is located on a large plot within a rural setting. The general characteristics of properties within the vicinity of Kentish Lane are generally large detached dwellings located within large residential plots. The addition of the rooflights and external staircase are not considered to impact on the overall character of the surrounding area taking into consideration that rooflights exist already exist on the outbuilding and it is largely screened from the highway and surrounding area by mature landscaping along the boundary and therefore any impact on the surrounding area is limited. The proposed is considered to comply with policy D1 and D2 of the Welwyn Hatfield District Plan, 2005.

## **3. Impact of the proposal on amenity of adjoining neighbours**

Policy D1 and the supplementary design guidance, paragraph 5.2, part iii) states, 'the extension should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or the proximity of the extension'.

No adjoining dwellings are in the general vicinity of the outbuilding that will be affected by siting or overlooking considerations. In addition, the application site is well screened from public view and therefore the proposal complies with policy D1 of the Welwyn Hatfield District Plan, 2005.

## **4. Other material planning considerations**

**Car Parking:** The application seeks retention of the first floor annexe which has created a further bedroom to become a two bedroom annexe in replacement of the existing one bedroom ground floor annexe which is to be converted into a garden room. Whilst the annexe is associated with the main dwellinghouse, the parking standards for a 2 bedroom dwelling are still applicable. The main dwellinghouse benefits from a large gravelled courtyard to the front and adjacent to the outbuilding which provides ample car parking for a number of cars. The retention of the two bedroom annexe is therefore not considered to impact on the car parking provision and complies with policy M14 of the Welwyn Hatfield District Plan, 2005.

**Sustainable Development:** Policy R3 states that the council expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The development does not propose any specific measures however the applicant has submitted a sustainability checklist and therefore the proposal adheres with policy 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.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare

plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

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:** 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

However, 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. In the meantime, 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. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

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 but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

## **CONCLUSION:**

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

Application S6/2011/0198/MA should be **APPROVED** subject to the following conditions:

1. C.2.1 -Time Limit
2. C.13.1 – Development in the accordance with the approved plans  
The development works shall not be started and completed other than in accordance with the approved plans and details:

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unless otherwise agreed in writing by the Local Planning Authority:

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the Local Planning Authority.

3. The permission hereby approved shall cease being occupied as a residential annexe on the ground floor as shown on drawing no. 10424/S/001 within three months of the date of this permission. Thereafter, the ground floor shall be used only for purposes incidental to the use of the main dwellinghouse 'Wildewood'.

REASON: In the interest of residential amenity in accordance with PPG2: Green Belts and policy 01 of the Welwyn Hatfield District Plan, 2005.

**SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against Planning Policy Statement Guidance PPS1, PPG2, PPSG, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GBSP1, R3, 01, 02 and M14 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).

**DRAWING NUMBERS:** Site Location Plan 10424/S/001 received and dated 08 Feb 2011

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

**Date**.....