

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

<b>APPLICATION No:</b>	<b>S6/2011/0243FP</b>
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**NOTATION:**

The site lies within a Green Belt area of Cuffley as designated in the Welwyn Hatfield District Plan 2005 and Landscape Character Area 53.

**DESCRIPTION OF SITE:**

The site is located on the southern side of The Ridgeway opposite Northaw woods.

The application dwelling is a detached property within a line of houses. The application plot is roughly rectangular with a frontage width of approximately 15m and a depth of 90m. The application dwelling is set back from the boundary to the front of the plot by approximately 11m. The application dwelling is a gable fronted bungalow with a pitched plain tile roof.

The property has a detached single garage to the side of the property.

To the rear the land level slopes downwards and there is a raised open terraced area directly behind the dwelling.

The rear garden is deep and has distant opens views to the countryside beyond.

The property has been previously extended to the side with a flat roofed extension.

The wider character of the area is that predominately of chalet bungalows, some of which have been created from bungalows. There are also examples of replacement dwellings.

**DESCRIPTION OF PROPOSAL:**

The proposed development would involve the removal of an original detached garage and rebuilding this as an integral single detached garage in a similar position at a slightly larger size.

At first floor level the extensions are more significant. The proposal will require the removal of the existing roof and extending the existing external ground floor walls upwards at the side to create to new gable walls.

At the front, the existing gable wall would be enlarged by widening it, although the height would remain the same.

The new roof will have six rooflights and also a rear dormer with a part pitched roof and central flat roof.

A new staircase would provide access to the first floor, with 2 new bedrooms, one with an en-suite and also a separate bathroom.

### **PLANNING HISTORY:**

S6/508/76 – single storey side extension granted 13/11/76

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

National Planning Guidance

PPS1 - Delivering Sustainable Development  
PPG 2 – Green Belts  
PPG13 – Transport

East of England Plan 2008

SS1: Achieving Sustainable Development  
ENV2: Landscape Conservation  
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  
RA3 – Extensions to dwellings in the Green Belt  
RA10- Landscape Regions and Character Areas  
R3 - Energy Efficiency  
M14 - Parking standards for new developments  
D1 - Quality of design  
D2 - Character and context  
D5 - Design for movement  
D8 - Landscaping  
D9 - Access and Design for people with disabilities

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005  
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

### **CONSULTATIONS**

Parish Council - Northaw & Cuffley parish council comments - No objection.

## REPRESENTATIONS

None

Period expired 12/04/11.

## DISCUSSION:

The main issues are:

- 1. Green Belt Policy**
- 2. The quality of the design and the proposals impact upon the character and appearance of the locality.**
- 3. The proposals impact upon the residential amenity of adjoining neighbours.**
- 4. Other Material Planning Considerations**

1. The proposals impact upon the openness of the Metropolitan Green Belt

The site is within the Green Belt wherein local plan policy RA3 (extensions to dwellings) applies as well as National Policy guidance within PPG2: Green Belts.

Policy RA3 defines the criteria that must be complied with in order for planning permission to be granted. These are that extensions 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 original dwelling. A further criteria requires development not to have an adverse visual impact (bulk, design, size and prominence) on the surrounding area.

Policy RA3 is in line with the advice in paragraphs 3.4 & 3.6 of PPG2. PPG2 also states that new development in the Green Belt is inappropriate unless it is for 'limited extensions'.

It is necessary, therefore, to establish what the 'original' dwelling is for the purposes of Green Belt policy and in this case, it is considered that the 'original' dwelling is the building which currently exists apart from a single storey side extension granted by application S6/508/76.

As part of the assessment it is also necessary to establish whether the extensions would be only 'limited' and not 'disproportionate'. Although PPG2 and RA3 do not provide specific guidance on the assessing the size of a property, there are a number of ways in which an extended property can be compared statistically to an original dwelling in order to assess whether or not the proposed extensions would meet this test.

A comparison of floor areas is one appropriate method. In regards to the 'original' dwelling the floor area is calculated to be approximately 105.4 sqm. The proposed extensions would add a further approximate 91.4sqm which would represent an increase of around 86% of floor area when compared to the 'original' dwelling. This very substantial increase in floor area is considered to be of a size which would be 'disproportional' when compared to the original dwelling. Furthermore, it is also of a scale which is not considered to be 'limited' when compared to the original dwelling.

No figures have been submitted by the applicants for comparison.

A visual assessment is also relevant as part of this assessment. The proposals would not significantly increase the size of the ground floor area or the footprint of the building as the existing garage is to be demolished and replaced. The concerns are therefore only with the proposed changes at the new first floor level.

It is accepted that the new floorspace would be contained mainly within the new roofspace. Whilst the height of the roof would remain unaltered, there would be a sizeable increase in the volume and floor area of the dwelling. There would also be a significant increase in the bulk and mass of the dwelling at first floor level, and this would be especially apparent to the front and rear of the dwelling. Overall the proposal would represent a substantial and 'disproportional' addition to the size of the original dwelling which would harm the openness of the Green Belt.

These visual assessments, also confirm that the proposal would represent a 'disproportionate' addition over and above the size of the 'original' dwelling and would not also be a 'limited' extension.

The proposal would be contrary to the first criteria of Policy RA3 and paragraphs 3.4 & 3.6 of PPG2. It would therefore constitute inappropriate development in the Green Belt.

With regard to Criteria (ii) of Policy RA3, and the visual impact on the Green Belt, the extended dwelling would be seen in context of a string of houses along The Ridgeway

The main changes relate in this application to the first floor, where two new gable ends are proposed as part of the enlarged roof. These additions would significantly reduce the visual gap which currently exists at this level. Although a visual gap still remains from the common boundaries, the significant reduction of this gap and distant views beyond would be very noticeable from the public highway. This in turn would have an adverse impact on the open character, appearance and pattern of development in the surrounding countryside.

The proposal is therefore considered to fail criteria (ii) of Policy RA3. It would also fail to comply with para.315 of PPG2.

In summary, the proposal would represent inappropriate development, and so would harm the openness of the Green Belt. There would also be harm to the visual amenity of the Green Belt

The proposal therefore fails to comply with PPG2 and Policy RA3.

No very special circumstance have been advanced by the applicant which would clearly outweigh the inappropriateness of the development and any other harm.

2. The quality of the design and the proposals impact upon the character and appearance of the locality.

Local Plan Policy D1 & D2 are relevant along with the Supplementary Design Guidance.

The proposed extensions, although significantly altering the existing roof, would still retain the original character of using pitched roofs and a front gable.

The proposed rear dormer is large, and the window design and flat roof is not of a high design standard, however, it is considered to be acceptable within the requirements imposed by Policy D1.

A planning condition requiring the proposed materials to match the existing would be reasonable for any permission granted. Subject to this condition the proposal would comply with the design requirements under Policy D1 and the SDG.

In regards to Policy D2, it is necessary to assess the proposed extensions on the wider character and context of the area.

Although many of the properties along this part of The Ridgeway were built to a similar design in the 1920/30's, over the years these have been altered.

Although the resultant dwelling would have a new first floor, the design of the dwelling would not be out of keeping with the other existing properties where there are already other examples of chalet bungalows.

In summary, the proposal is considered to comply with the requirements of Policy D1 & D2 of the Supplementary Design Guidance and the accompanying Supplementary Design Guidance.

3. The proposals impact upon the residential amenity of adjoining neighbours.

Local Plan Policy D1 and the SDG are relevant.

The only properties which would be directly impacted in regards to the proposed extensions are the dwellings at Nos.85 & 89 The Ridgeway.

No.89 The Ridgeway has recently been extended by application S6/2010/1555/FP.

The impact on this neighbour from the proposed ground floor extension would be very limited as it would replace an existing garage.

The proposed first floor would result in two new gable windows in the side walls. One would serve a bathroom and the other would be a secondary window to a bedroom.

Both of these windows can be subject to a planning condition for obscure glazing and so the impact on these neighbours from overlooking and privacy can be adequately controlled.

In regards to sunlight/daylight and the potential for the development to appear over bearing or over dominant, the resultant separation distance between the buildings is considered relevant.

No. 85 has ground and first floor windows which serve habitable rooms, however these are secondary windows. The proposed first floor extensions would reduce the existing gap between the buildings, but taking into account that they are secondary windows and that there would still be a reasonable separation gap, the loss of light would not be significant to this neighbour's windows and so sufficient light would remain to these existing habitable rooms.

No.89 also has side windows at ground and first floor level. The resultant separation distance however from the proposed extensions to this neighbour is significantly larger, and the loss of sunlight/daylight to these neighbouring windows will only be therefore limited. Sufficient daylight/sunlight will therefore remain to side windows of this neighbour's property.

In regards to the outside private amenity spaces for these neighbours, the proposed extension will only slightly project beyond the rear wall of No.89. In regards to No.85 the depth of projection will be significantly greater as this neighbouring property steps forward. Notwithstanding this, No.85 has a detached outbuilding with a pitched roof on the common boundary with the application site which will reduce the impact of the proposal. Taking this into account the proposal it is not considered to either appear over bearing or over dominant when viewed from this neighbour's rear garden or from its rear windows. Although there would be some loss of sunlight/daylight to the rear of this neighbouring property, this would be limited and so would not unduly impact on this neighbour's residential amenity.

In summary, the proposal is not considered to harm the residential amenity of either No. 85 or 89The Ridgeway or any other neighbour, subject to the above condtions and so complies with Local Plan Policy D1 and the Supplementary Design Guidance.

#### 4. Other Material Planning Considerations

##### Parking

Local Plan Policy M14 is relevant along with the Supplementary Planning Guidance – Parking Standards

The resultant dwelling would have 5 bedrooms in a Zone 4 location where a maximum of 3 parking spaces is required.

As the extended the application dwelling would retain at least 3 off road parking spaces it would comply with Policy M14 of the Welwyn Hatfield District Plan 2005.

## Trees

The proposed development would not have an impact upon any protected trees or mature vegetation. The proposal is considered to comply with Policy D8 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).

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:

- 1.1 "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."
- 1.2 The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals. These comprise:
- 1.3 "Deliberate capture or killing or injuring of an EPS"
- 1.4 "Deliberate taking or destroying of EPS eggs"
- 1.5 "Deliberate disturbance of a EPS" including in particular any disturbance which is likely –
- 1.6 (a) to impair their ability –
- 1.7 (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
- 1.8 (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
- 1.9 (b) to affect significantly the local distribution or abundance of the species to which they belong

## 1.10

- “Damage or destruction of a EPS breeding site or resting place” (applicable throughout the year).
  - e.g. bat maternity roost (breeding site) or hibernation or summer roost (resting place)
  - e.g. great crested newt pond (breeding site) or logpiles / piles of stones (resting place)
  - e.g. dormice nest (breeding site or resting place (where it hibernates)

In some circumstances a person is permitted to ‘derogate’ from this protection. The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The approval of such a license by Natural England may only be granted if three strict “derogation” tests can be met:

the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;  
there must be no satisfactory alternative; and  
favourable conservation status of the species must be maintained.

Notwithstanding the licensing regime, the Council as Local Planning Authority (LPA) has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. Therefore in deciding to grant permission for a development which could affect an EPS the LPA should:

Consider whether an offence to an EPS is likely to be committed by the development proposal

If the answer is yes, consider whether the three “derogation” tests will be met

A LPA failing to do so would be in breach of Regulation 9(5) of the Conservation Regulations 2010 which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

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. 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.

**Sustainable Development** The application includes a sustainability checklist which advises that water efficient fixtures and appliances to conserve water will be used.

## **CONCLUSION:**

The proposed development would not comply with Green Belt policy as the proposed development would fail to comply with Local Plan Policy RA3 and also the guidance given in PPG2.

The proposal would not have an adverse upon the residential amenity of neighbouring properties and so complies with the requirements of Local Plan Policies D1 & D2 of the Local Plan and the Supplementary design Guidance.

## **RECOMMENDATION: REFUSAL AND REASONS**

1. The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed extensions, when considered with size of the original dwellinghouse and existing extensions, would result in a disproportionate addition over and above the size of the original dwelling and so would represent inappropriate development. The resulting significant increase in built form and floorspace at first floor level within this rural Green Belt location would therefore have a harmful effect on the openness of the Green Belt. In addition the visual impact of the roof extensions at first floor level would significantly reduce the existing visual gap between the dwellings which would harm the visual amenity of the Green Belt. The proposed extensions are therefore contrary to Policies RA3 of the Welwyn Hatfield District Plan 2005 and National Planning Policy Guidance Note 2 Green Belts. Furthermore, the application has failed to demonstrate that Very Special Circumstances exist to justify inappropriate development and that the resulting harm, by reason of the development's inappropriateness and any other harm, is clearly outweighed by other considerations.

**REFUSED DRAWING NOS:** DPL.02 & DPL04 & DPL05 & DPLI06 & DPLO07 & DPL08 & DPL09& DPL10 & DPL11& DPL12 received and dated 21 February 2011.

**INFORMATIVES:** None.

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