

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/1397/FP
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NOTATION:

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

DESCRIPTION OF SITE:

The application site is located within a site that was the former Queenswood Home Farm. The application dwelling comprises a converted stock barn with a double garage, which is detached from the main dwelling and sited adjacent to the garages for a neighbouring property. The application dwelling has been previously extended by way of a single storey rear extension, which has a floor area of roughly 63sqm and gives the property an L-shape.

The surrounding properties within Lysley Place comprise large detached dwellings of a similar age and building material. To the west of Lysley Place is a residential institution which has recently been extended through an application that was accepted under a very special circumstances case.

DESCRIPTION OF PROPOSAL:

The proposal is an amended scheme to the previous refusal under reference S6/2010/2735/FP.

The proposed development would involve an extension to the northern flank wall of the dwelling. The proposal would measure 7.74m in depth by 2.86m in width and would adjoin the main roof to create a gable end with a new chimney. The application also involves the demolition of a garage to reduce some of the built development within the application site.

PLANNING HISTORY:

S6/2010/2735/FP - Erection of single storey extension – refused for the following reason:

1. The proposal by virtue of its size, bulk and mass, when considered cumulatively with existing extensions, would result in disproportionate additions over and above the size of the original dwelling and therefore represents inappropriate development within the Green Belt. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority any very special circumstances exist to outweigh the harm caused by reason of its inappropriateness. The proposal is therefore contrary to PPG2 and Policy RA3 of the Welwyn Hatfield District Plan 2005.

S6/2005/1233/FP – Erection of single storey side extension – Approved

S6/2002/0202/FP – Erection of timber gates with maximum height of 2.15m – Approved

S6/2000/1062/FP – Erection of single storey rear extension and alterations to front porch – Approved

S6/1997/0815/FP – Demolition of 3 No. dwelling houses and agricultural buildings, conversion of coach house and barns to 3 No. residential units, construction of 3 No. dwelling houses, and car parking – Approved

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPS9: Biodiversity and Geological Conservation

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV3: Biodiversity and Earth Heritage

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

D1: Quality of design

D2: Character and context

D8: Landscaping

RA10: Landscape character area

RA3: Extensions to dwellings in the Green Belt

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

NORTH MYMMS PARISH COUNCIL COMMENTS

The parish council comments that the site is in the Green Belt so the proposed extension should comply with Green Belt policies.

REPRESENTATIONS

None. Period expired 26 August 2011.

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 and the proposed development's impact upon the character and appearance of the locality**

2. The proposed development's impact upon the residential amenity of the locality

3. Other Material Planning Considerations

The proposed development is an amended scheme to the previous refusal under reference S6/2010/2735/FP. The extensions to the main dwelling would be similar and create the same sized addition. The proposal would also involve the demolition of an existing garage which does not form part of the dwelling and is attached to the neighbouring dwelling.

1. 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.

The application dwelling has been previously extended significantly, with an extension which has added roughly 63sq.m. The original dwelling had a floorspace of 116sq.m and therefore the property's floorspace has been increased by approximately 54% as existing. The proposed development would have a floor area of 22.1sq.m and the resultant dwelling would have a floorspace of 202.5sq.m. Therefore, the resultant increase in floorspace would equate to 74.6% when compared to the original dwelling.

When comparing existing dwelling with the plans of the dwelling prior to the extensions approved in 2000, the previous property was a far more modest bungalow. Therefore, the cumulative impact of the existing and proposed extensions would result in a dwelling that would be disproportionate in size when compared to the original property.

The original modest 3 bedroom property has been extended to have much larger accommodation and the additional bulk and massing of the proposed extension would result in a far larger property. The cumulative extensions to the property would

result in a disproportionate increase in the size of the dwelling, which cannot be described as limited extensions. The resultant dwelling would affect the openness and increase the urbanising impact upon rural character of the Green Belt.

Therefore, the proposal would fail to meet the requirements under Policy RA3 (i) of the Welwyn Hatfield District Plan 2005. Furthermore, the proposed development would be inappropriate when considered against the requirements of PPG2.

Policy RA3 also requires a visual assessment to be made to assess what impact the proposal would have upon the visual amenity of the locality.

The bulk, mass and prominence of the extensions is worsened by existing residential additions and paraphernalia that are within the application plot. Cumulatively the, existing large entrance porch, boundary wall and gates and other additions have an urbanising impact upon the rural character and appearance of the locality.

Although when viewed comparatively the resultant dwelling would have been extended substantially, the majority of these additions would be sited away from the frontage. These additions would affect the openness of the Green Belt and would result in a disproportionate dwelling. However, it is considered that the proposed extension would not be prominently visible from public view points and neighbouring properties, its impact is such that in visual amenity terms the proposed extension would comply with Criteria (ii) of Policy RA3 and paragraph 3.16 of PPG2.

When viewed individually the proposed extension's projection and floor area would be subordinate in scale and would attach well of the existing dwelling. The proposed chimney and gable end would add to the bulk and mass of the dwelling and this would be a large increase when compared to the original dwelling. From a design point of view the resultant dwelling would not be significantly more harmful than the existing dwelling. Due to the siting of the dwelling the proposed extensions would not be viewed prominently or appear dominant from the surrounding public areas and the resultant dwelling would not have a significantly greater impact upon the visual amenity of the area. Therefore, although the proposal would increase the bulk and massing of the property which conflicts with Policy RA3(i), the appearance and quality of design and appearance of the proposal would not conflict with the requirements of design Polices D1 and D2 of the Welwyn Hatfield District Plan 2005.

The application fails to comply with the requirements contained within Criteria (i) of local plan Policy RA3 (Extensions to Dwellings in the Green Belt) and the advice contained within PPG2.

At the time of the previous application, the applicant verbally stated that in his opinion the property was built too small originally. However, the application dwelling was previously a stock barn which was considered to be suitable for a residential conversion. Although modest the previous building was considered to be an acceptable size for a dwelling and the current owner was the applicant at the time of the previous extensions. Therefore, although smaller than some of the neighbouring properties, the existing dwelling is not considered to be too small for appropriate living standards for a property of this size.

At the time of application dwelling being granted planning permission for a residential conversion permitted development rights were withdrawn. This restricted extensions, roof alterations, porches and outbuilding. The reason given was to enable the Local Planning Authority to retain control over the impact of any future development on the Green Belt.

Very Special Circumstances

The applicant has proposed to demolish an existing garage, which would remove some of the built development within the plot. This reduction would be an attempt to offset the additional bulk and massing of the proposal.

Although this garage has not been taken into account in the calculations of the dwelling's floorspace and it does not form a habitable area, it does add to the bulk and massing of development within the plot. The existing garage has a larger floorspace (29.6m²) than the proposed extension, however, the roofspace and gable end of the proposal would give it a bulky appearance. The garage has an ancillary appearance to the main dwelling, but spreads development within the plot. If removed the openness between the application dwelling and the adjacent dwelling to the west (the barn) would be increased.

When considering the proposal would be positioned to the rear of the property and the removal of the garage would give the plot a more open appearance, although numerically the resultant habitable floorspace would be much larger than the original property, the overall impact upon the openness of the Green Belt would not be worse than the existing situation. Therefore, the proposed removal of the existing garage is considered to form a very special circumstance which would outweigh the harm an inappropriateness of the proposal.

It should be noted that the application dwelling appears to have met its upper limit for what can be justified under current Green Belt Policies. Therefore, any application for further additions or outbuildings would have to be assessed very carefully.

The proposal would not have an adverse impact upon the character and appearance of the wider landscape character area. Although the existing and proposed development has an urbanising impact upon the openness of the Green Belt, this would not significantly harm the wider views of landscape within the locality. The proposal would therefore not conflict with the requirements of Policy RA10 of the Welwyn Hatfield District Plan 2005.

2. The application dwelling and adjacent properties are detached and would retain a reasonable separation. Due to the application dwelling and proposal being single storey and sited to the side of the adjacent property, the impact of the additional bulk and mass of the dwelling would be offset. The resultant dwelling therefore would not have an adverse impact upon the residential amenity of the adjoining occupants.

3. **Sustainability and Energy Efficiency:** The application has been submitted with a sustainability checklist which notes cavity wall insulation, draught proofing and double glazing would be used. The checklist also notes that masonry would be recycled as hardcore and timber would be reused. Considering the proposed development would comprise an extension to an existing dwelling, these provisions would be 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 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.

CONCLUSION:

When considered cumulatively with existing extensions and proposed development would result in a dwelling that would be disproportionate in size. The proposed removal of the property's double garage would offset the size of the proposed extension and mean that the built development within the plot has a similar bulk and massing to the existing dwelling. Although the floorspace of the main property would have been increase significantly from the original dwelling, there would be not overall impact upon the openness of the Green Belt. The demolition of the property's garage therefore constitutes very special circumstances that would outweigh the harm and inappropriateness of the proposed extension.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1: Standard Time Limit
2. C.13.1: Development in accordance with approved plans/details Site Location Plan 1:1250 & PL2000 & PL3000 received and dated 27 July 2011.
3. Prior to construction of the extension hereby permitted, the existing double garage to the western side of the site shall be demolished and all the materials

arising from such demolition shall be completely removed from the site in accordance with drawing PL-3000 received and dated 27 July 2011.

REASON: The site lies outside of established settlement limits and therefore within an area where only limited extensions are allowed to dwellings. The Local Planning Authority would not be prepared to permit inappropriate extensions to the main dwelling or outbuildings within the plot, which would cumulatively affect the openness and of the Green Belt and be disproportionate to the original dwelling. Therefore, the removal of some existing built development (the garage) is necessary in the interests of preserving the character and appearance of the area in accordance with Policies RA3, D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. C.5.2: Materials to Match

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, PPS9, East of England Plan 2008 policies SS1, ENV3, ENV7 and development plan policies SD1, GBSP1, R3, D1, D2, D8, RA3, 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).

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

INFORMATIVE:

1. The applicant is informed that the application site does not have permitted development rights for Schedule 2 Part 1, classes A – E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as these were withdrawn within the approval of application S6/1997/0815/FP which allowed the application dwelling and surrounding residential development.