

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/1709/FP
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CONSTRAINTS:

The site lies within the Metropolitan Green Belt and Northaw Great Wood Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site comprises of a large detached dwellinghouse with an attached annexe on a substantial plot located on the corner of Carbone Hill and the Ridgeway. Currently the dwelling has two vehicle access points; one off Carbone Hill and one off the corner of Carbone Hill/The Ridgeway. Large trees and hedgerows form the south western boundary along the Ridgeway.

DESCRIPTION OF PROPOSAL:

The proposal seeks planning permission for the creation of a new vehicular access point to the far south eastern point of the application site. New brick piers measuring a maximum 2m in height along with electric opening gates measuring a maximum 2.2m in height are proposed.

PLANNING HISTORY:

None relevant

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

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

D8: Landscaping

RA3: Extensions to dwellings in the Green Belt

RA10: Landscape Regions and Character Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

Hertfordshire Highways: The highway authority would have no reason to object to the relocation of this access. The proposed access is better sited than the existing and visibility splays of 2.4m x 90m can be provided within the existing highway verge. The gates are set 6m back from the edge of the carriageway.

The highway boundary is the fence line and I understand there is a highway drain in this highway verge that has recently been filled in by the property owner, without the permission of the highway authority. Once this drain has been reinstated, it may be culverted where it passes under the new vehicle crossover and the developer would be liable for the cost of these works.

The proposal would not have unreasonable impact on the safety and operation of adjoining highways subject to the inclusion of conditions and informatives.

TOWN/PARISH COUNCIL COMMENTS

None received.

REPRESENTATIONS

This application has been advertised by neighbour notification letters and no representations have been received.

Period expired 7th October 2011

DISCUSSION:

The main issues are:

- 1. The impact of the proposal on the openness of the Metropolitan Green Belt**
- 2. The impact of the proposal on the design and character of the surrounding area**
- 3. Other Material Planning Considerations**

1. The impact of the proposal on the openness of the Metropolitan Green Belt

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:

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.

This type of proposal is not always considered to represent an extension to a dwelling, however, taking into account the limited scale of the proposal in this case, it would be reasonable to accept that for the purposes of determining this application, the proposal is an extension to a dwellinghouse rather than a separate building.

Criteria (i) of policy RA3 requires that the proposal when considered with existing or approved extensions to the original dwelling does not result in a disproportionate increase in the size of the dwelling. As mentioned already, the scale of the proposed development is limited and so it is considered that the proposal complies with criteria (i).

In regards to criteria (ii), the character of this part of The Ridgeway comprises mainly of large hedgerows combined with gates and brick pier entrances. The proposed gates are open railings, provided only as an entrance gate and not across the whole frontage of the site. The proposed brick piers will be set back approximately 6m from the highway. In addition, the existing mature landscaping to the front of the site would be retained and whilst landscaping does not make an unacceptable development acceptable, it minimises the whole visual impact. It is considered that the proposal will be acceptable in Green Belt policy terms of PPG2 and will also meet the requirements of local plan policy RA3 (which reflects PPG2) as the resultant visual impact will be acceptable.

2. The impact of the proposal on the design and character of the surrounding area

Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan apply which seek to provide a good standard of design in all new development and require that all new development respects and relates to the character and context of the area in which it is to be sited. The impact of a development is assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area.

The Ridgeway is a long linear street with predominantly large dwellings located either side creating a ribbon development. The streetscene of the Ridgeway within

the vicinity of Carbone House comprises of large hedgerows lining the highway with a number of properties having installed entrance gates and brick piers.

In regards to policy D1, the design of the gates are considered to be acceptable. The exact details on the materials to be used in the proposal are unknown however a planning condition should be attached to approve the materials. In addition, the landscaping details relating to the stopping up of the existing access on the corner of The Ridgeway/Carbone Hill is subject of a condition.

In regards to policy D2, the impact on the character of the area has already been assessed above and there are no concerns which need to be discussed in respect of this policy and so the proposal complies with policy D1 and D2 of the Welwyn Hatfield District Plan, 2005.

3. Other material planning considerations

Landscape Character Area: Policy RA10 states that proposals for the development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located. The application site is located within the Northaw Great Wood Landscape Character Area. The objectives of this area are to safeguard and manage. The proposal is considered to be of a scale not to detrimentally impact on the objectives of this landscape character in accordance with policy RA10 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. 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:

The proposed new vehicular access is considered to adhere to County Council highways standards. The design of the proposal complies with local and national policy. The gates and brick piers due to their limited scale and within the context of the surrounding area are considered to comply with the requirements of PPG2 and local plan policy RA3 as they would not unduly harm the openness of the Green Belt.

The proposal also complies with the design requirements of PPS1 and policies D1 and D2 of the Welwyn Hatfield District Plan, 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1 – Time Limit
2. C.13.1 – Development in accordance with the approved plans and details
AT355-01 received and dated 25th August 2011 & AT355-20 & AT355-21 received and dated 5th October 2011 & AT355-22A received and dated 6th October 2011
3. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority of the removal of the existing access on the corner of The Ridgeway and Carbone Hill. The development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.
4. No development shall take place until details of the materials to be used in the construction of the new vehicular entrance, including brick piers, gates and block paving hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

5. In accordance with condition 4 above, prior to the new access being brought into use, the existing access at the junction of Carbone Hill and The Ridgeway shall be permanently stopped up to vehicular traffic and the highway reinstated to the satisfaction of the Local Planning Authority.

REASON: In the interest of road safety.

6. Before occupation of the approved development, the proposed new access onto the Ridgeway shall be completed in accordance with the approved plans and constructed to the specification of the Local Planning Authority.

REASON: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development plan.

7. Concurrent with the construction of the access, visibility splays of 2.4m x 90m shall be provided and permanently maintained in each direction within which there shall be no obstruction to the visibility between 600mm and 2m above the carriageway level.

REASON: To provide adequate visibility for drivers entering or leaving the site.

8. The gates should be located as shown on drawing number AT355-20 and shall open inwards into the site.

REASON: In order that a vehicle may wait clear of the highway while the gates are operated.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG2, PPS9, East of England Plan 2008 policies SS1, ENV7 and development plan policies SD1, GBSP1, R3, D1, D2, D8, 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).

INFORMATIVES:

1. The highway authority require the construction of the vehicle cross over and the removal of the existing to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the Mid West Hertfordshire Highways Area Office at Highways House, 41-45 Broadwater Road, Welwyn Garden City, Herts, AL7 3AX to arrange this.
2. The construction of the vehicle crossover will require the culverting of the existing highway drain and this work should be carried out concurrent with the construction of the vehicle crossover. The developer will be required to pay all costs associated with this work.

Signature of author.....

Date.....