

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

<b>APPLICATION No:</b>	<b>S6/2011/1812/FP</b>
<b>APPLICATION Site:</b>	<b>38 The Ridgeway, Cuffley</b>

**NOTATION:**

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

**DESCRIPTION OF SITE:**

The application property comprises of a four storey (basement, ground, first and attic floors) red brick and white render detached dwelling which is accessed by a gated vehicular gravel driveway from the highway known as The Ridgeway. The property is set back from this road by approximately 9 metres and occupies a roughly rectangular shaped residential plot of approximately 90 metres deep by approximately 41 metres at its widest. This curtilage is bordered to the south west boundary by The Ridgeway and the side boundaries residential houses and on the remaining north east side by mature woodland. This adjoining woodland is protected by a Tree Preservation Order (TPO 3 - Woodland area W32).

**DESCRIPTION OF PROPOSAL:**

The proposal is to demolish the existing front porch and replace with a stone portico steps and columns.

**PLANNING HISTORY:**

S6/1977/0486/ - Private garage. Granted

S6/1986/0052/FP - Front entrance lobby, single storey side extension and garage. Granted

S6/1994/0139/FP - Two storey rear extension. Granted

S6/2008/1950/FP – Erection of lower ground floor side and rear extension, ground floor side extension, formation of rear terrace and insertion of two rear dormers following demolition of existing attached rear triple garage. Granted

S6/2011/0949/FP - Replacement of front porch with stone portico, steps and columns, wrought iron gates with solid timber gates and brick piers and widening of existing crossover. Refused 19<sup>th</sup> July 2011:

*'The character of this part of the Ridgeway comprises of both open, naturally landscaped frontages and enclosed frontages with gates and railings. It is considered that the height of the gates and the overall enclosed nature of the frontage does not contribute to the openness of the Green Belt and therefore impacts on the visual amenity of the surrounding area. It is considered that the proposal will not be acceptable in Green Belt policy terms of Planning Policy Guidance 2: Green Belts and will fail to meet the requirements of Local Plan Policy RA3 of the Welwyn Hatfield District Plan, 2005 (which reflects PPG2) as the resultant visual impact will be detrimental to openness of the Green Belt.'*

### **SUMMARY OF 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

RA3: Extensions to dwelling in the Green Belt

RA10: Landscape Regions and Character Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

### **CONSULTATIONS:**

Welwyn Hatfield Access Group comment on the application requesting further details from the applicant in respect of technical details of the intended portable ramp, including where it will be stored and confirmation of who will be responsible for locating/positioning it for use.

Hertfordshire County Council (Transportation Planning & Policy) does not wish to restrict the grant of planning permission. The proposal retains the same level of parking, access arrangements are unchanged and no works within the public highway are required.

### **TOWN/PARISH COUNCIL COMMENTS:**

Northaw and Cuffley Parish Council have no objection

## **REPRESENTATIONS:**

This application has been advertised by neighbour notification letters and site notice and no representations have been received. Period expired 29<sup>th</sup> November 2011.

## **DISCUSSION:**

- 1. The impact of the proposal on the openness of the Metropolitan Green Belt**
- 2. The impact of the proposal on the character and appearance of the dwelling and surrounding area**
- 3. Other material planning considerations**

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

The proposal is located in the Green Belt and so PPG2 is relevant.

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.

The proposed portico is a replacement of the existing brick built porch with the increase in floorspace minimal and therefore the proposal complies with criteria (i) of Policy RA3.

In regards to criteria (ii), the inclusion of the portico will be of a different design to the existing porch however the size and scale remains the same. The visual impact of the portico will be minimal taking into consideration that the existing mature landscaping to the front would be retained. Nevertheless, the design of the portico is not considered to detract from the character of the existing dwellinghouse or the surrounding area as a number of examples exist along the Ridgeway of similar scale and design. 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 character and appearance of the dwelling and 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.

In regards to policy D1 and D2, the proposed portico is considered in keeping with the design of the dwellinghouse and streetscene as other similar examples exist in this part of the Ridgeway in accordance 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 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 Common Parkland Landscape Character Area. The objectives of this area are to conserve and strengthen. Taking into consideration the scale of the proposal, it is not considered to detract from these objectives. The proposal therefore complies with policy RA10 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 in accordance 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. 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 development is considered acceptable in terms of its size, scale and design and would not have a detrimental impact on the amenity of either the property or surrounding area. The proposal is considered to comply with the policies listed above.

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

Application S6/2011/1812/FP should be **APPROVED** subject to the following conditions:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details received and dated: 207/PL/01 & 207/BR/11D & 207/BR/19A & 207/DET/02 & 207/BR/18 & 207/DET/01 & 207/BR/22 received and dated 12<sup>th</sup> October 2011

### **Post Development**

3. C5.2 Matching materials

### **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, 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.....**