

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/02227/FP
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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 application site is located on the east side of Kentish Lane and comprises of a large detached dwelling within landscaped grounds approximately 1.6 hectares in area. North east of the dwelling is a former garage which has been extended and partially converted and now incorporates parking for three vehicles, a one bedroom staff annexe at the ground floor and a two bedroom staff annex at first floor. To the north of the site are three further outbuilding used for gardening purposes. An open-air swimming pool with a terrace is situated to the south west of the application dwelling.

The site is accessed via a private drive from Kentish Lane with gates adjoining the highway. Dense planting provides effective screening along the site frontage to Kentish Lane. The site boundary to the north east is defined by a 2m high close boarded fence and mixed. To the south east the site adjoins the residential garden of Courtyard Cottage. The wider area is semi-rural in character comprising agricultural fields and paddocks, woodland and hedgerows.

At the time of the site visit an extension was under construction to the north east side of the application dwelling. Prior this, the dwelling itself has not been extended since it was built as a replacement dwelling following planning permission S6/1052/97/FP.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for the erection of linked swimming pool and gym and erection of terrace with retaining walls.

The footprint of the swimming pool enclosure would measure approximately 12m x 23.8m (including changing room, wc, steam room and sauna). The gymnasium would project to the south side of the pool enclosure and would measure approximately 4.5m x 11.7m. A glazed link measuring approximately 4m x 3.8m would attach the swimming pool enclosure to the south west side of the house.

The changing room, wc, steam room and sauna would be located within a part of the building largely concealed by an embankment. The remaining swimming pool enclosure and gymnasium would feature a pitched roof concealed behind a parapet wall measuring approximately 3.9m in height. The height of the glazed link would be approximately 3m. A generator and pump room would be situated behind a retaining wall to the north east corner of the swimming pool enclosure. The proposal also includes a large terrace area measuring approximately 18m in width and extending approximately 9m to the south of the gymnasium. A retaining wall approximately 2.4m in height with piers up to 2.7m in height would form the eastern edge of the terrace before stepping down in height around the southern and western edge of the terrace.

Externally the swimming pool enclosure and gymnasium would be finished in white render with stone cladding detail to match the main house. Either slate or lead effect cladding is proposed for the pitched roof. The retaining walls would be also finished in painted render to match.

PLANNING HISTORY:

S6/2011/0208/FP – Erection of side extension to create new orangery with basement (Refused 12/04/ 2011 and Allowed at Appeal 27/07/2011)

S6/2011/0198/MA – Conversion of existing residential unit in ground floor of detached outbuilding into a garden room and retention of first floor staff annex (Granted 10/05/2011)

S6/2005/0881/FP – Erection of swimming pool enclosure (Refused 07/09/2005)

S6/2005/0586/FP – Erection of an orangery to side of building (Granted 30/06/2005)

S6/2005/0246/FP – Erection of an orangery and pool enclosure (Refused 29/04/2005)

S6/2003/1120/FP – Alteration to roof of detached garage (Granted 15/09/2003)

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.

S6/2001/1195/FP – Conversion and extension of existing garage to form living accommodation for staff (Granted 12/08/2002)

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.

S6/0484/99/FP – Erection of Garden Store (Granted 02/08/1999)

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 02/03/1998)

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

S6/0173/97/FP – Demolition of existing dwelling, glasshouses and barns and construction of replacement dwelling and garage (Granted 03/12/1997)

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
ENV2: Landscape Conservation
ENV3: Biodiversity & Earth Heritage
ENV7: Quality in the Built Environment

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP1: Definition of Green Belt
R3: Energy Efficiency
R11: Biodiversity and Development
D1: Quality of Design
D2: Character and Context
RA3: Extensions to dwellings in the Green Belt
RA10: Landscape Regions and Character Areas
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Landscape and Ecology: There are many trees on the site. The majority should not be affected by the proposal. The trees which boundary Kentish Lane and the property are a useful screen and they may be damaged if the soil is compacted, excavated or re-profiled. More information is required regarding the trees and the topography before giving approval.

TOWN/PARISH COUNCIL COMMENTS

Hatfield Town Council: No response (consultation expired 16/11/2011)

REPRESENTATIONS

This application has been advertised by site notice and neighbour notification letters. No representations have been received.

DISCUSSION:

The main issues are:

1. Whether the proposal is appropriate development in the Green Belt and the impact on the character and openness of the Green Belt
2. The impact of the proposal on the character and appearance of the existing property and on the amenity of adjoining properties
3. Other material planning considerations

1. Whether the proposal is appropriate development in the Green Belt and the impact on the character and openness of the Green Belt

The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy Guidance Note 2 Green Belts (PPG2) states that within the Green Belt permission will only be given for erection of new buildings in limited

circumstances, including essential facilities for outdoor sport and outdoor recreation and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it. The limited extension, alteration or replacement of existing dwellings is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. This advice is reflected in Local Plan Policy RA3(i).

Policy RA3(ii) states that permission for extensions to existing dwellings within the Green Belt will be allowed only where the proposal would not have an adverse visual impact in terms of its prominence, size, bulk and design on the character, appearance and pattern of development of the surrounding countryside.

Policy RA3 is also applicable to those outbuildings which require planning permission.

The main issues are therefore:

1. Whether or not the proposed extension would amount to inappropriate development in the Green Belt.
2. The effect of the extension on the openness of the Green Belt, its character and visual amenity.
3. Whether there are any very special circumstances to clearly outweigh the by reason of inappropriateness and any other harm.

Whether or not the proposed extension would amount to inappropriate development in the Green Belt: Neither PPG2 or Policy RA3 provide specific guidance on assessing the size of a property and there are a number of ways in which an extended property can be compared to an original dwelling in order to assess whether or not an addition is disproportionate. The net total additional floorspace added to the original dwelling is one commonly used indicator, however, each and all other factors, including the proposed additional cubic content, the increase in footprint and any increase in height are also relevant and capable of being taken into account.

The application site has a complex planning history. It was originally part of Warrenwood Estate and the cottage which occupied the site was the former pump house. The site then became a commercial nursery comprising of a number of large outbuildings and greenhouses whilst retaining the residential dwelling.

In December 1997 planning permission was granted to demolish the existing dwelling, glasshouses and barns and construct a replacement dwelling and garage (S6/0173/97/FP). In March 1998 an alternative permission was granted, for a dwelling that included a conservatory, dormers and garden store (S6/1052/97/FP). This latter permission was implemented, and resulted in the present dwelling known as Wildewood.

Paragraph 3.6 of PPG2 states 'The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. The previous dwelling was single storey and originally had a footprint of 237m³ as outlined in the case officer's report for application S6/1052/97/FP. Very special circumstances were put forward by the applicant as part of this permission for a replacement dwelling stating that the new dwelling would be set back from the main road, the overall footprint would be less and the demolition of all the outbuildings buildings associated with the commercial nursery would improve the visual

appearance of the site. The application was granted permission and Condition 5 of this permission removed permitted development rights for Class A, B, C and E of Schedule 2, Part 1 to allow the council to have strict control on any future proposed alterations, extensions and outbuildings to the site. A materially larger replacement dwelling was allowed to be constructed due to very special circumstances.

PPG2 explains that the limited extension, alteration or replacement of existing dwellings is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the 'original' building. This is reiterated in Local Plan Policy RA3. For the purpose of determining applications to extend a replacement dwelling within the Green Belt, the Council consider that it is the size of the demolished dwelling, as originally constructed or as existed on 1st July 1948, which is the 'original' dwelling. Notwithstanding this, in allowing planning application S6/2011/0208/FP the Inspector opined that on this particular site, a comparison with the demolished dwelling would be misleading as it would ignore the other building that existed on the site prior to the 1998 permission for a replacement dwelling. Consequently for the purpose of determining the present application, the replacement dwelling as permitted in 1998 (S6/1052/97/FP) is considered the 'original' dwelling.

Since the implementation of planning consent S6/1052/97/FP eight planning applications have been received by the Local Planning Authority for further development. Five applications were granted and three were refused of which one refusal was allowed at appeal. The permissions are relevant as they have resulted in an extension to the original dwelling, the erection of an outbuilding and the extension of an outbuilding (Policy RA3 is also applicable to those outbuildings which require planning permission).

At the time of the site visit an extension was under construction to the north east side of the application dwelling (planning reference S6/2011/0208/FP granted on appeal). Prior this, the dwelling itself has not been extended since it was built as a replacement dwelling. Although the dwelling had not previously been extended, it is relevant that the roof space has been converted to provide additional habitable accommodation as shown on drawing 10424-s003-A. Whilst it is acknowledged that planning permission S6/1052/97/FP included the introduction of "attic dormers", these were intended to provide natural light to the attic which was not included in the calculation of habitable floor area when granting permission for the replacement dwelling (the Office's report and application form for planning permission S6/1052/97/FP are available on file).

The garage as it exists is an amalgamation of previous planning permissions and a number of additions which were completed without the benefit of planning permission. Planning application S6/2011/0198/MA permitted the retention of the two bedroom annexe at first floor, the conversion of the existing one bedroom ground floor annexe into a garden room and the retention of the external alterations including the addition rooflights and external staircase.

Three other outbuildings exist towards the northern site boundary comprising, a timber garden store, a green house and another garden store which is open on three sides. These outbuildings do not benefit from planning permission even though planning permission would have been required. It is relevant that a 'garden store' was granted planning permission in August 1999 under planning reference S6/0484/99/FP although the design and location are different to what exists on site.

The plans submitted as part of the present application show the original dwellinghouse, as permitted in 1998, to have a floor area of 541sqm. This includes

the ground floor and first floor only as the second floor and basement, as approved, did not include any habitable accommodation.

The Office's report and application form for planning permission S6/1052/97/FP (available on file) identified a total proposed floor area of 449sqm. This lower figure maybe a measurement of internal floors area as opposed to external.

In determining planning application S6/2011/0208/FP, the Officer calculated the floor area to be 505sqm, however, the calculations were based on drawings that were not to scale.

The Green Belt Table below provides an overall assessment and summary of the existing and proposed footprint and gross floor area calculated using the submitted drawings:

	Floor Area (Sqm measured externally of all floors)	Approximate percentage increase over original dwelling	Footprint (Sqm measured externally)	Approximate percentage increase over original dwelling
Original dwelling (ground floor and first floor only)	541		289	
Existing Dwelling (including second floor accommodation, approved extension, outbuildings which required consent, staff annex and extension to garage)	943	74%	452	57%
Cumulative total including current proposal	1297	140%	806	179%

The floor area of the proposed extension would measure approximately 354sqm. The cumulative floor area including existing planning permissions unauthorised development would total approximately 1297sqm or a 140% increase over-and-above the floor area of the original dwelling. The cumulative footprint would measure approximately 806sqm which is equivalent to a 179% increase over-and-above the original dwelling which had a footprint of approximately 289sqm.

Taking this into account the cumulative effect of planning permissions and unauthorised development that has already taken place, the scale of the current proposal in comparison with the 'original' dwelling, as a matter of fact and degree would result in a disproportionate increase that would fail to remain a limited

extension. Therefore the proposal would be inappropriate development, which is by definition, substantially harmful to the Green Belt contrary to PPG2 and Policy RA3.

The effect of the extension on the openness of the Green Belt and its visual amenity: PPG2 identifies in paragraph 1.4 that the fundamental aim of Green Belt policy is to keep land permanently open; openness being the most important attribute of the Green Belt. The second criterion of Policy RA3 of the Welwyn Hatfield District Plan requires extensions not to have an adverse visual impact on the character, appearance and pattern of development in the surrounding countryside.

In terms of the effect of the extension on the openness of the Green Belt, the proposed increase in volume would materially increase the bulk and mass of the dwelling thereby reducing the openness of the Green Belt. Notwithstanding this, Wildwood and the application site are concealed from view from the highway by extensive boundary vegetation within the site and along the roadside verge. The main dwelling, together with a 2m high close boarded fence, mixed planting and the surrounding land form would effectively screen the extension from the surrounding countryside.

PPG2 does not qualify what is said about extension of existing dwellings by any reference to whether or not such extensions would be readily visible or cause any harm to the appearance of the Green Belt. Also, whilst Policy RA3 of the Local Plan deals with visual impact it does so in a separate criterion from that which addresses whether or not a proposal would result in a disproportionate increase in the size of a dwelling. Appearance and visual impact are matters to be weighed in the balance once a conclusion has been reached on whether or not a proposal would be inappropriate development.

To the substantial harm by reason of inappropriateness must be added the inevitable, though modest, loss of Green Belt openness locally that addition of the extension would occasion. It is accepted that because the addition would be concealed from view from the highway and the surrounding countryside by trees, boundary fences and landform, the loss might not be readily apparent but it would none the less be tangible. PPG2 stresses that the fundamental aim of Green Belt policy is to keep land open; and that the most important attribute of Green Belts is their openness. Such policy requires a particularly stringent form of development control that can be compromised by permitting proposals that may in themselves appear modest.

Given the context and the limited views of the extended house it is considered that the proposal would not have an adverse impact on the character and appearance of the surrounding countryside and would therefore accord with the second criterion of Local Plan Policy RA3. However this does not outweigh the harm that the proposal would cause to the Green Belt by reason of inappropriateness.

Very Special Circumstances: No very special circumstances have been advanced of sufficient weight to set aside Green Belt policies of restraint.

To summarise, the application complies with the second criterion of policy RA3 which requires extensions not to have an adverse visual impact on the character, appearance and pattern of development in the surrounding countryside. Notwithstanding this, the cumulative increase in size of the application dwelling resulting from existing and proposed extensions is considered disproportionate over and above the size of the 'original' building and would fail to appear as a limited extension to the dwelling. The proposal is therefore inappropriate development within the Green Belt where the applicant has failed to prove to the satisfaction of the Local Planning Authority, that the harm, by reason of its inappropriateness is

outweighed by other considerations contrary to the requirements of the first criterion of Policy RA3 and PPG2.

2. The impact of the proposal on the character and appearance of the existing property and on the amenity of adjoining properties

National Planning Policy PPS1 Delivering Sustainable Development requires planning authorities to plan for high quality design which is appropriate in its context. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location.

The dwellinghouse 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. Notwithstanding the large footprint proposed, the extension would appear subordinate in scale to the application dwelling and would not appear cramped on the site. The architectural style, windows, detailing and materials are appropriate to the original dwelling.

The proposal is considered unlikely to have a significant impact on neighbouring occupiers by virtue of separation distance, orientation and boundary screening. No representations have been received from neighbours and Hatfield Town Council did not comment. In terms of the impact on the character of the area and on the residential amenity of neighbouring properties, the proposed development is in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

4. Other material planning considerations

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.

Landscape Regions and Character Areas: 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 North Mymms Common and Newgate Street Formed Plateau Landscape Character Area. The objectives of the landscape character area are to conserve and restore. Taking into consideration the size of the proposal and location of the site and its boundary treatment, it is not considered to detrimentally impact on the objectives of the North Mymms Common and Newgate Street Formed Plateau Landscape Character Area which complies 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, 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:

The increase in size of the application dwelling resulting from the proposed extensions is considered disproportionate over and above the size of the original building and therefore inappropriate development within the Green Belt contrary to PPG2 Green Belts the first criterion of Policy RA3

RECOMMENDATION: REFUSAL AND REASON (S)

SUMMARY OF REASONS FOR THE REFUSAL OF PERMISSION:

1. The proposed extensions would result in a disproportionate increase in the size of the original dwelling that would fail to appear as a limited extension to the dwelling. The proposal is therefore inappropriate development within the Green Belt where the applicant has failed to prove to the satisfaction of the Local Planning Authority, that the harm, by reason of its inappropriateness is outweighed by other considerations contrary to the requirements of Policy RA3 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

INFORMATIVES

None

REFUSED DRAWING NUMBERS

10424-s003-A & 10424-S004-B & 10424-A1-PL02A received and dated 11 October 2011 & 10424-A1-PL01-B & 10424-A3-PL03 received and dated 04 January 2012 & 10424-A3-0B1 received and dated 9 January 2012

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