

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2011/2375/FP
APPLICATION Site:	83 The Ridgeway, Cuffley

NOTATION:

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

DESCRIPTION OF SITE:

The applications site comprises of a large detached dwelling which has been extended upon previously set within a rectangular shaped plot. The land levels slope from front to rear which set the dwelling on an elevated position with views out to the countryside at the rear. Decking has been constructed to the rear and an outbuilding within the rear garden. The ground level has been excavated to accommodate the outbuilding which is primarily used for an exercise studio. The outbuilding measures within 2 metres of the boundary and exceeds 2.5m in height. Therefore the outbuilding requires retrospective planning permission.

DESCRIPTION OF PROPOSAL:

The planning application seeks retrospective permission for the outbuilding in the rear garden and decking to the rear of the dwellinghouse.

PLANNING HISTORY:

S6/2010/1451/FP - Erection of rear conservatory. Granted 14th October 2010

S6/1999/0247/FP - Formation of a new vehicle access. Granted 26th April 1999

S6/1996/0811/FP - Erection of two storey side extension. Granted 25th November 1996

S6/1987/0822/FP – Single storey and two storey rear extension with two new dormer windows. Granted 20th November 1987

SUMMARY OF POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts
PPS9: Biodiversity and Geological Conservation

East of England Plan 2008 Policies:
SS1: Achieving Sustainable Development
ENV7: Quality in the Built Environment

SD1: Sustainable Development
GBSP1: Definition of Green Belt
R3: Energy Efficiency
D1: Quality of Design
D2: Character and Context
RA10: Landscape Regions and Character Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS:

None

TOWN/PARISH COUNCIL COMMENTS:

Northaw and Cuffley Parish Council have great concern that this is an overdevelopment of the site.

REPRESENTATIONS:

This application has been advertised by neighbour notification letters and no representations have been received. Period expired 16th December 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 dwelling and surrounding area**
- 3. The Impact of the proposal on the residential amenity of adjoining properties**
- 4. Other material planning considerations**

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

The site is within the Green Belt wherein policy RA3 (extensions to dwellings) applies as well as PPG2: Green Belts. Policy RA3 defines the criteria that must be met in order for planning permission to be granted. These are that extensions would not result in a disproportionate increase over the size of the 'original' dwelling and not have an adverse visual impact (bulk, design, size and prominence) on the surrounding area.

The previous planning permission for a rear conservatory (application reference: S6/2010/1451/FP), which has since been implemented, states that the floorspace of the original dwelling has been extended upon by 50% (inclusive of the rear conservatory). As already established, the existing outbuilding is situated within 2m of the boundary and exceeds 2.5m in height and therefore requires planning permission. Policy RA3 applies to those outbuildings for which planning permission is required.

As outlined in the previous application, the floorspace of the 'original' dwelling equates to 181sqm. The dwelling has been extended upon previously equating to an increase of 91sqm (50%) upon the original dwelling. The existing outbuilding has a floor area of 57sqm. The existing outbuilding in addition to the previous extensions equate to a floorspace increase of 81% upon the original dwelling. This level floorspace increase is considered to be a disproportionate increase upon the original dwelling and therefore fails to comply with Green Belt policy.

In respect of the visual amenity, the ground level below the existing outbuilding has been excavated to reduce the overall visual impact. The dwellings fronting onto The Ridgeway are in an elevated position above the ground level of the outbuilding and consequently the views of the surrounding countryside are not considered to be detrimentally impacted upon the positioning of the outbuilding. Due to the distance of the outbuilding in relation to the dwelling and the gradient of the land, the outbuilding is not considered to be overly prominent.

Overall, the existing outbuilding does not constitute an appropriate form of development within the Green Belt and no very special circumstances have been given that would justify the approval of this proposal and therefore fails to comply with National Planning Policy Guidance 2 Green Belts and Policy RA3 of Welwyn Hatfield Council District Plan 2005.

2. The impact of the proposal of the design and character of the dwelling and 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. These policies are expanded upon in the Council's Supplementary Design Guidance which requires that residential extensions should be complementary in design and be subordinate in size and scale to the existing dwelling. 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 architectural style, windows, detailing and materials are appropriate to the site surroundings and the design of the scheme does not have an adverse visual impact upon the character and appearance of the existing dwelling or immediate surrounding area to warrant refusal taking into consideration its ground level in relation to the elevated position of the surrounding dwellings.

The planning application also seeks retrospective permission for the existing decking area to the rear of the dwelling. The decking is appropriately positioned to the rear of the dwelling and therefore its visibility from the surrounding area is very limited. The decking is stepped in design and features a light wood effect which is considered in keeping with the general character of the existing dwelling.

Overall, the existing outbuilding and decking is not considered to detrimentally impact upon the general design and character of the dwellinghouse and surrounding area in accordance with GBSP2, D1 and D2 of the Welwyn Hatfield District Plan, 2005.

3. The impact of the proposal on the residential amenity of adjoining properties

Policy D1 and the supplementary design guidance paragraph 5.2 (Section 5 Residential Extensions) states in part iii) the extension should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or the proximity of the extension. In addition paragraph 5.7 states that new extensions should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.

As established above, the existing outbuilding is not considered to be visually prominent from adjoining properties to warrant refusal and is of sufficient distance not to impact on light, outlook or privacy of adjoining neighbours.

In respect of the existing decking, the dwellings most impacted by the decking are the neighbouring dwellings, No.81 and No.85. The boundary treatment with the neighbouring dwellings comprise of a combination of wooden fencing and brickwork and both measure approximately 6ft in height and follows the line of the decking. The addition of the decking taking account of the boundary treatment is not considered to detrimentally impact upon the residential amenity of adjoining dwellings to warrant refusal in accordance with policy D1 of the Welwyn Hatfield District Plan, 2005.

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 in accordance with policy SD1 and R3 of the Welwyn Hatfield District Plan, 2005.

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.

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 existing decking is considered to be of a scale and design not to impact on the character of the dwellinghouse or impact on the residential amenity of adjoining dwellings.

The existing outbuilding in addition to the previous extensions to the dwellinghouse equate to a floorspace increase of 81% upon the original dwelling. This level of floorspace increase is considered to be a disproportionate increase upon the original dwelling and therefore fails to comply with PPG2 and policy RA3 of the Welwyn Hatfield District Plan, 2005.

RECOMMENDATION: REFUSAL AND REASON (S)

1. The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The existing outbuilding in addition to previous extensions results in a disproportionate increase in comparison to the original dwelling. As such, the proposals represent inappropriate development and as no very special circumstances have been advanced of sufficient weight to set aside Green Belt policies of restraint, is contrary to the advice contained in Planning Policy Guidance Note 2 and would conflict with Policies RA3 of the Welwyn Hatfield District Plan 2005.

REFUSED DRAWING NUMBERS:

1110-2/1 & 1110-2/2 & 1110-2/3 & 1110-2/4 received and dated 4th November 2011

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