

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/0396/FP
APPLICATION Site:	5 Lysley Place, Brookmans Park

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 PROPOSAL:

The proposed development would involve a roof extension to the rear of the existing dwelling. The proposal would extend a gable projection over an existing single storey area. The proposal would have a depth of approximately 2m and match the height and width of the existing gable.

PLANNING HISTORY:

S6/2012/0395/FP – Proposed external alterations to create guest accommodation, gym/games room and library – Approved 30 April 2012.

S6/2002/0343/FP – Erection of front and rear porches – Approved 07 May 2002.

S6/2001/1203/FP – Retention of tennis court, ornamental pond bridge, gazebo, garden shed, rose arches and pergolas and installation of wrought iron field and entrance gates – Approved 10 December 2001.

S6/2001/0058/FP – Single storey building over pool – Refused 14 May 2001 and subsequently allow on appeal.

S6/2000/1589/FP – Erection of part first floor extension, and new dormer windows – Approved 12 March 2001.

S6/2000/1588/FP – Swimming pool – Approved 12 March 2001.

SUMMARY OF POLICIES:

National Planning Policy Framework, March, 2012

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment
T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:
None.

Welwyn Hatfield District Plan 2005:
SD1: Sustainable Development
GBSP1: Definition of Green Belt
R3: Energy Efficiency
M14: Parking Standards for New Developments
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
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking
Standards, January 2004

CONSULTATIONS:

NORTH MYMMS PARISH COUNCIL COMMENTS:

Comments were submitted noting that the property has already been extensively enlarged and any further increase in size must comply with Green Belt policies on extensions.

REPRESENTATIONS:

This application has been advertised and 1 representation has been received, raising the following comments:

North Mymms District Green Belt Society comment that this property has already been considerably extended and object to this application on the grounds of over development in the Green Belt.

Period expired 11 May 2012.

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
2. The proposed development's impact upon the character and context of the locality and visual amenity of the Green Belt
3. The proposed development's impact upon the residential amenity of the adjoining occupiers
4. Other Material Planning Considerations

1. The application dwelling is sited on a former farm and comprises a converted barn building. The dwelling has been previously extended and altered and now has an L-shaped layout, which is largely single storey. The proposed development would extend an existing gable projection to the rear over an existing single storey area.

The application dwelling has previously been extended and the previous additions have to be cumulatively considered in terms of their impact upon the openness of the Green Belt and compliance with Green Belt Policy. Planning Application S6/2001/0058/FP was refused planning consent on the ground that the extensions would have an adverse impact upon the openness of the Green Belt, but the development was allowed on appeal. The Inspector's decision letter considered the existing extensions and made an assessment of the floorspace increase. Within this appeal the additions to the property resulted in approximately a 50% increase from the original floorspace of the dwelling. This increase is less than that of neighbouring properties and although the application dwelling is the largest property within the Lysley Place complex, the Inspector found that this increase should not be considered to be disproportionate.

Since this appeal decision the application dwelling has carried out works within the grounds that were granted retrospective planning permission within application S6/2001/1203/FP. Additional extensions were also added to the main dwelling which were granted planning consent through application S6/2002/0343/FP. Both of these applications comprised relatively minor additions and have not cumulatively significantly added to the bulk and massing of the dwelling. Therefore, although these additions must be considered, the comments within the Inspector's decision letter are still relevant.

The proposal would result in approximately 10.3m² of additional floorspace. As the proposal is within the roofspace, the useable floorspace does not cover the whole area of the first floor and the floorspace does not directly relate to the bulk and massing of the dwelling. In this case the floorspace increase is not particularly significant and the visual impact of the proposed development is more important in assessing the proposal's impact upon the Green Belt.

When considering the proposal's size it would not be a significant addition to the existing property. Due to the siting of the proposal being an addition to the roof, it would add to the bulk and massing of the dwelling. The additional bulk would not be excessive and the additional size of the gable would not appear significantly more dominant than the existing dwelling. Due to the proposal having a pitched roof its bulk diminishes with height and the overall appearance would not be too dominant or overbearing. Being sited to the rear of the property the proposal would not be viewed from many areas outside of the application site and its size would be offset by the distance that separates the neighbouring land and development would generally be viewed against the backdrop of the existing dwelling.

It should be noted that the application dwelling has had several additions since the original property was approved and built. The cumulative impact of these extensions means that the application dwelling is either at or very close to the upper limit of what can be considered to not be disproportionate in size when compared to the original property. Therefore, any future application would have to be considered very

carefully and are not likely to be acceptable if they add to the bulk and massing of the property. However, when considering the development allowed within the appeal of application S6/2001/0058/FP and the modest size of the other extensions to the dwelling, the proposed development would not result in a disproportionate dwelling.

2. The proposed development would reflect the appearance of the existing rear gable projections and would be subordinate in scale when considered with the main dwelling. The proposal would not appear overly prominent and would reflect the character and appearance of the existing dwelling. The proposal's design would not have an adverse impact upon the character and appearance of the locality and is considered to be acceptable. The proposal therefore complies with the requirements of Policy RA3 of the Welwyn Hatfield District Plan 2005.

The proposed alterations would not be viewed from the surrounding public areas and would not be viewed within the surrounding landscape character area. The proposal would therefore not conflict with the requirements of Policy RA10 of the Welwyn Hatfield District Plan 2005.

3. The application dwelling's garden is secluded and not significantly overlooked by the neighbouring properties or any public areas. The area of the proposal therefore is only generally viewed from within the application plot and there may be some slight glimpses from the plot to the west (Mymwood House) due to the shallow depth of the proposal and distance from the adjacent site and buildings, the resultant dwelling would not appear significantly more dominant than the existing property. The resultant dwelling would not result in any significant overlooking or a loss of privacy due to the distance that separates the proposal from the windows and private amenity areas of the neighbouring properties. The proposed development therefore would not result in an adverse loss of residential amenity to the occupiers of neighbouring properties.

The proposed development would therefore comply with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. Other Material Planning Considerations

Car Parking: Policy M14 states that the council require parking provision for new development to be made in accordance with the standards set out in the Council's Supplementary planning guidance on parking. The application site is located within an unzoned rural area. As existing the application dwelling has a least 4 off road spaces and a double garage. The existing parking provision would exceed the maximum requirement of the parking standards and is considered to be acceptable.

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 application has been submitted with a sustainability checklist, which notes the new windows would be double glazed and the new fixtures would be water efficient. These provisions are considered to be acceptable and in accordance with 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 the National Planning Policy Framework, 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 an 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 Act. 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 to be close to the limits but not disproportionate in size when compared to the original dwelling. The resultant dwelling would not have an adverse impact upon the openness of the Metropolitan Green Belt. The proposal would not have an adverse impact upon the character and appearance of the locality or the residential amenity of the neighbouring occupiers. The application is considered to be acceptable and complies with the relevant requirements of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details 10825-S001 & 10825-P003 & 10825-P004 & 10825-P005 received and dated 5 March 2012.

Post Development

3. C5.2 Matching materials

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy, East of England Plan 2008 policies SS1, T14, ENV7 and development plan policies SD1, GBSP1, R3, M14, 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).

INFORMATIVES: None.

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