

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/1775/FP
APPLICATION Site:	63 The Ridgeway, Cuffley

NOTATION:

The site lies within the Metropolitan Green Belt and landscape area 53 as designated in the Welwyn Hatfield District Plan Proposals Map.

DESCRIPTION OF SITE:

The application site is located on the southern side of The Ridgeway (B157) and accommodates a detached dwelling. The main dwelling is single storey and has accommodation within its roofspace and is set back from the front boundary of the plot by approximately 12m. To the front of the property there is a vehicular hardstanding and a large paved area. The proposal has been erected and forms an enclosure across the front boundary.

The surrounding area and streetscene comprises detached dwellings of individual designs set within generous plots which form a ribbon of residential development to the west of Cuffley. Many of the properties within the neighbouring plots have been altered, but there are several of an in-keeping design which it appears they mostly original had. North of the application site, on the opposite side of The Ridgeway, is Northaw Great Wood which includes a wildlife site and a Site of Special Scientific Interest.

DESCRIPTION OF PROPOSAL:

The proposed development applies for the retention of front boundary wall, railings and gates, which enclose the frontage of the plot. The Design and Access Statement notes that the gates have a height of 2.2m, the brick wall and railings have a height of 1.8m and the brick piers have a height of 1.9m.

PLANNING HISTORY:

S6/2005/1412/FP – Erection of new dwelling following demolition of existing dwelling (amendments to planning permission S6/2005/0427/FP) – Approved 06/01/2006.

S6/2005/0427/FP – Erection of a new dwelling following demolition of existing dwelling – Approved 07/07/2005.

S6/1999/0008/FP – Loft conversion incorporating front dormer and rear patio door onto balcony – Approved 15/02/1999.

S6/1994/0505/FP – Erection of new front porch – Approved 22/08/1994.

S6/1991/0082/FP – Loft conversion incorporating front dormer and rear patio door onto balcony; Renewal of planning permission S6/0453/86/FP dated 21/08/86 – Approved 04/03/1991.

S6/1986/0453/FP – New bedroom in roof space – Approved 21/08/1986.

S6/1986/0250/FP – Garage – Approved 14/05/1986.

S6/1979/0802/FP – Front porch – Approved 11/12/1979.

S6/1974/0694/FP – Ground floor side extension – Approved 22/01/1975.

SUMMARY OF POLICIES:

National Planning Policy Framework, March 2012

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV2: Landscape Conservation

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None.

The 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

D9: Access and Design for People with Disabilities

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:

Hertfordshire Highways – This application is for the retention of front boundary wall, railings and gates. The gates appear to be set back just over 5m from the edge of the carriageway in line with the gates to neighbouring properties. This will just allow

a vehicle to wait off the carriageway whilst the gates are opened and closed. The Ridgeway is a classified road, the B157 and is designated as a secondary distributor road. Hertfordshire County Council as Highway Authority considers the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways.

Welwyn Hatfield Council (Trees and Landscape) – No comments received.

NORTHAW & CUFFLEY PARISH COUNCIL COMMENTS:

None.

REPRESENTATIONS:

None, period expired 12 October 2012.

DISCUSSION:

The main issues are:

1. The proposed development's impact upon the Green Belt and compliance with Green Belt Policy
2. The proposed development's impact upon the visual amenity of the Green Belt and the character and appearance of the locality
3. Other Material Planning Considerations

1. The site is within the Green Belt wherein local plan policy RA3 (extensions to dwellings) applies as well as the National Planning Policy Framework, March 2012. As the proposal is not an extension to the dwelling therefore policy RA3 does not apply directly. However, the tests within policy RA3 set appropriate criteria to judge the impact of the proposal on the openness of the Green Belt. Furthermore, when considering the NPPF's allowances for extensions and alterations to buildings, although close association with the dwelling is considered to be sufficient to define the proposed development as an extension or alteration to a building and not automatically consider the proposal is inappropriate development.

Policy RA3 defines the criteria that must be complied with in order for planning permission to be granted. These are that extensions 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 original dwelling. A further requirement is that development does not have an adverse visual impact (bulk, design, size and prominence) on the surrounding area.

It is necessary to establish what the 'original' dwelling is for the purposes of Green Belt policy and in this case, the 'original' dwelling was considerably smaller than the existing dwelling. The application dwelling was granted extensions with application S6/2005/1412/FP, which have resulted in a much large dwelling that the original property. Although this previous application was approved and determined to not be disproportionate in size when compared to the original dwelling, the increases are considered to be at or close to the upper limit of the amount of extensions that are acceptable under policy RA3 (i).

2. The development within the plot worsens the visual impact of the enlarged dwelling. The front boundary treatment has a backdrop of a large hardstanding and an extended dwelling which dominates the plot's width. The cumulative appearance of the dwellings frontage adds to the bulk and massing of the current dwelling to have an urbanising impact upon the character of the area. The tall and built up appearance of the proposal creates a significant and dominant feature which is clearly viewed from the surrounding public areas. As the proposal is viewed with a backdrop of an extended dwelling, the amount of development is not in keeping with the rural character of the surroundings and the appearance of the site affects the visual amenity of the Green Belt.

When considering the detailed design of the proposed boundary treatment, it has yellow bricks with a dark grey feature bricks. The main wall and pillars are particularly tall and the gates are excessively tall, which makes the whole development appear dominant and prominent. It has been acknowledged that the materials have been chosen to tie-in with the main dwelling; however, as the wall is to the front boundary of the plot and close the public footpath, the appearance of the brick is not offset and appears particularly prominent as it is a much brighter material than those which characterise the locality and the surrounding boundary treatments.

The boundary treatment therefore appears stark and intrusive within a very rural and naturally landscaped setting. The frontages of the surrounding properties are predominantly characterised by an open or landscaped boundaries, which have a lack of built development and maintain the open character of the Green Belt area.

It has been acknowledged that there is an existing brick and railing boundary treatment to the front of number 65, this boundary does not have planning approval and does not form a feature which is a predominant characteristic within the area.

Number 59 has a front boundary treatment that comprises a wall which has lesser visual impact upon the landscape and appearance of the locality. The front boundary wall to number 59 generally is low in height with approximately five well spaced pillars that have a good separation. This boundary has been reduced from a taller development that was refused under reference S6/2006/0196/FP. As a result it appears much more subtle than the proposed development.

A further brick and railing boundary treatment has been approved and built to the front boundary of number 57. Although this has been recently approved, it has a low wall and landscaping which would be viewed with the railing and potentially in the future a hedge that would screen the railings and create a very natural and green frontage. Therefore, when this approved front boundary treatment is viewed with the remainder of the plot it does not have an adverse impact upon the character of the locality.

The application has been submitted with a statement which notes the development is comparable to front boundary treatments that are found at surrounding properties. The existing tall boundary treatments generally comprise very low dwarf walls with railings above. However, the proposal would have a relatively high wall with several pillars, which result in a more opaque and harsh boundary treatment which is

prominent and not appropriate for a rural area. This appearance affects the surrounding landscape and when viewed with the other development within the plot has an adverse impact upon the surrounding landscape. In general the properties within the locality are viewed with spacious gaps between the dwellings and soft landscaping can be seen in the distance between the gaps and to the frontage of the plots. However, the application site has a very manmade appearance with a substantial amount of hard landscaping, which affects the views of the surrounding landscape character area from the public view points to the front of the property. The proposal therefore conflicts with Policy RA10 and has an adverse impact upon the landscape character area that the site is within.

The examples of tall built boundary treatments are in the minority and do not characterise the appearance of the locality. When considering the proposals impact it is an incongruous addition to a rural area and has a strong urbanising impact. As a result the proposal is too prominent and has adverse impact upon the rural character and appearance of the locality and visual amenity of the Green Belt.

When considering the proposes of including land within the Green Belt the proposal would not help to check the unrestricted sprawl of large built-up areas or safeguard the countryside from encroachment and therefore conflict with these criteria.

The proposed development is therefore considered to be inappropriate development, does not comprise a limited addition to the original dwelling and does not meet the Green Belt policy requirements. The National Planning Policy Framework states:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Very Special Circumstances

The applicant has put forward very special circumstances within the Design and Access Statement which they consider outweigh any harm and inappropriateness of the development.

The applicant considers the proposal to be small scale and comparable examples are found within the locality. However, the proposal is significant in height and has a very substantial and urban appearance. When considering the height, design, colour and proximity to the public areas to the front of the plot, the proposal does not have a small scale or modest appearance. Furthermore, the proposal has a greater impact than the other front boundary treatments within the locality and these are not considered to characterise the surrounding area.

It has also been noted that the design and materials are compatible with the surrounding development. The proposed wall has been built from bright coloured and prominent bricks which do not harmonise with surroundings and are not appropriate for a rural setting. As detailed above the proposed boundary treatment is not in keeping with the character of the locality. The applicant's statement has also failed to recognise the differences in the individual type of boundary treatments and their impact upon the character of the area. Therefore, these factors are not

considered to be very special circumstances that would outweigh the harm and inappropriateness of the proposal.

3. Other Material Planning Considerations

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. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."* The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however 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.

The proposed development has been carried out and completed. Therefore, although it does not appear that the area of the proposal would have form a suitable habitat for protected species, any detrimental impact upon any wildlife would have already taken place.

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 adds to the build development within the plot. The proposal has a cumulative impact with the existing extensions and additions to the dwelling which results in a disproportionate amount of development when compared with the original dwelling. The proposal directly affects the openness of Green Belt and appears too prominent, which affect the rural character and appearance of the locality. The proposal's impact upon the visual amenity of the area is not acceptable and is considered to contrary to Green Belt policy.

RECOMMENDATION: REFUSAL AND REASONS

1. The proposed wall and railings have, by reason of its height, length, siting, materials, design and location, have an unnecessarily intrusive appearance out of keeping with and detrimental to the character of this rural Green Belt setting. Therefore, the proposal is contrary to The National Planning Policy Framework and the Welwyn Hatfield District Plan Policies RA3, RA10, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance (Statement of Council Policy).

INFORMATIVES: None.

REFUSED DRAWING NUMBERS:

Site Location Plan 1:1250 & Dwg 1 received and dated 3 September 2012.

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