

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/2424/FP
APPLICATION Site:	Anchor Cottage, Vineyards Road

NOTATION:

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

DESCRIPTION OF PROPOSAL:

The proposal seeks planning permission for a part single storey, part two storey rear extension creating an extended kitchen/diner on the ground floor and a third bedroom on the first floor.

PLANNING HISTORY:

None

SUMMARY OF POLICIES:

National Planning Policy Framework

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

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 County Council (Transport Programmes and Strategy) does not wish to restrict the grant of planning permission as off street parking is retained, no

alteration to the existing vehicle access is required and traffic generation is unlikely to change.

Hertfordshire Biological Records Centre consider the dwelling to be sub-optimal for bats as a roost site and that it would be unreasonable for the LPA to require a bat assessment however they advise that a precautionary approach is taken to the planned development and recommend that an informative regarding bats should be attached to any planning permission.

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 one representation has been received following the amendments, raising the following comments:

- Extension would not be in keeping and would look bulky and overwhelm the appearance at the rear,
- The proposal would impact on light and give the feeling of being overlooked,
- No access statement and parking proposals for builders and storage of materials as access is not available at the rear

Period expired 3 January 2013

DISCUSSION:

The main issues are:

- 1. The impact of the proposal upon the Metropolitan Green Belt and the design and character of the dwelling and surrounding area**
- 2. The impact of the proposal upon the residential amenity of adjoining properties**
- 3. Other material planning considerations**

1. The impact of the proposal upon the Metropolitan 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. As with previous Green Belt policy, the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF accepts that within the Green Belt the construction of new buildings should be regarded as inappropriate development. Exceptions to this include buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport and outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land

within it. The extension or alteration of a building 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).

Annex 1 of the National Planning Policy Framework provides guidance on implementation of the new Framework. Paragraphs 211 – 212 advise that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework. However, the policies contained in the NPPF are material considerations which local planning authorities should take into account from the day of its publication.

Paragraph 214 of the NPPF states that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant Local Plan policies adopted since 2004 even if there is a limited degree of conflict with this Framework. Welwyn Hatfield District Plan was adopted April 2005, therefore, full weight should continue to be given to relevant policies and in particular Policy RA3 Extensions to Dwellings in the Green Belt.

Policy RA3 (Extensions to dwellings in the Green Belt) of the Welwyn Hatfield District Plan 2005 reflects this advice and requires all of the following criteria to be met:

- (i) *The proposal would not individually or when considered with the 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 and design) on the character of the surrounding countryside.*

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.

In regards to criteria (i) of policy RA3 it is necessary to assess what is considered to represent the 'original' dwelling. The dwelling has not been extended upon previously and therefore the dwelling which currently exists is considered the original dwellinghouse.

	Floorspace	Footprint
Original Dwelling		
Ground Floor	34sqm	
First Floor	34sqm	
Total	68sqm	34sqm

Proposed Floorspace		
Ground Floor	14sqm	
First Floor	7sqm	
Total	21sqm	14sqm
	31% increase	41% increase

The proposed extensions would add a further 31% increase upon the original dwellinghouse and a footprint of 41% which is not considered disproportionate.

Turning to the overall visual impact of the proposal on the openness of the Green Belt, this is particularly important, as floorspace assessments in isolation may not suffice, as irrespective of the floorspace increase Policy RA3 also looks at the overall resultant size and its visual impact on the countryside. In regards to the overall visual analysis of the proposal and taking into account the increase in floor areas mentioned above, it is considered that the additions would not have an adverse visual impact on the character of the surrounding countryside as they appear proportional when compared to the original dwelling, are located to the rear of the dwelling and the roofspace above the two storey extension has been hipped to match the pitch of the existing dwellinghouse.

Furthermore, the materials to be used in the construction of the proposed extension and the window fenestration have been designed to match the existing dwellinghouse.

In summary, the proposal is considered to comply with the requirements of the National Planning Policy Framework and Policy RA3, as it will not appear disproportionate to the original dwellinghouse and will not have an adverse visual impact on the character, appearance and pattern of development of the surrounding countryside. Furthermore, the proposal is not considered to detrimentally impact upon the design and character of the dwellinghouse in accordance with policy GBSP1, D1 and D2 of the Welwyn Hatfield District Plan, 2005.

2. The impact of the proposal upon 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.

The dwellings most impacted by the proposal are neighbouring properties, Hope Cottage to the north east and Nyn Manor Farm to the south west. A single storey rear extension exists at Hope cottage measuring approximately 2.7m in depth. The proposed single storey extension will extend a further 1.3m in depth beyond this extension which is not considered to result in a detrimental impact upon Hope Cottage in terms of loss of sunlight/daylight. With regards to the proposed first floor

extension, a first floor window is located on the rear elevation of Hope Cottage which forms a bedroom. Due to the orientation of Hope Cottage in relation to the proposed extension, the existing first floor rear window will result in some loss of light late afternoon however, this level of loss is not considered to be detrimental to warrant refusal. Furthermore, the 2m depth extension at first floor level will not result in an overbearing impact taking into consideration the distance of the midpoint of neighbouring first floor window of approximately 1.7m in relation to the proposed first floor rear extension and the proposed hipped roof design.

A ground and first floor window exist on the rear elevation of Nyn Manor Farm Cottage, the midpoint of both windows measure approximately 1.7m from the flank wall of the proposed two storey extension. The orientation of the rear gardens are to the North West and therefore the proposed two storey rear extension in relation to the Nyn Manor Farm will not result in a detrimental loss of sunlight to warrant refusal.

Nyn Manor Farm Cottage is an end of terrace property set within a larger plot with a rear and side garden when compared to the application dwelling which is mid terraced. Naturally, both windows to the rear of Nyn Manor Farm Cottage would result in a reduction of daylight/skylight specifically the ground floor window which forms part of the kitchen. However, this loss of daylight/skylight is not considered to be detrimental to warrant due to the distance of approximately 1.7m between the two windows and the flank wall of the proposal.

Furthermore, with regards to outlook, the proximity of the proposal will result in some loss of outlook to the north from the existing ground and first floor window of Nyn Manor Farm however, the impact upon outlook from these two windows is not considered to be detrimental by virtue of both the distance of approximately 1.7m between the windows and the flank wall of the proposal and the fact that the dwelling has a more open outlook which extends both to the rear and side of the dwelling and therefore the natural outlook from these windows is not just to the rear when compared to the neighbouring application dwelling.

Taking into consideration the above, the proposal is not considered to result in a detrimental impact upon residential amenity of adjoining properties in accordance with policy D1 of the Welwyn Hatfield District Plan, 2005.

3. Other Material Planning Considerations

Car Parking: The proposal will result in the addition of one bedroom creating a three bedroom dwelling. Two car parking spaces are to remain to the front of the dwelling which is considered to satisfy the maximum car parking standards in accordance with policy M14 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.

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 the National Planning Policy, 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 application dwelling is located with the Northaw Brick Kiln Area Wildlife Site. Hertfordshire Biological Records Centre consider the dwelling to be sub-optimal for bats as a roost site and that it would be unreasonable for the LPA to require a bat assessment however they advise that a precautionary approach is taken to the planned development and recommend that an informative regarding bats should be attached to any planning permission.

CONCLUSION:

The proposed development is considered to comply with the requirements of the National Planning Policy Framework and Policy RA3, as it will not appear disproportional to the original dwellinghouse and will not have an adverse visual impact on the character, appearance and pattern of development of the surrounding countryside. Furthermore, the proposal is not considered to detrimentally impact upon the design and character of the dwellinghouse in accordance with policy GBSP1, D1 and D2 of the Welwyn Hatfield District Plan, 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details: 2012/39/03 received and dated 22 November 2012 & 2012/39/01 Rev. B received and dated 4 January 2013 & 2012/39/02 Rev. B received and dated 15 January 2013

Post Development

3. C.5.2 Matching materials

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy and development plan policies SD1, GBSP1, R3, M14, RA3, RA10, D1 and D2 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. The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and 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:

1. Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance: damage or destroy a bat roost; possess or advertise/sell/exchange a bat; intentionally or recklessly obstruct access to a bat roost.

Development should proceed with caution, particularly that which is associated with the roof and loft spaces. In the event of bats being found, work must stop immediately and advice taken on how to proceed lawfully from either of the following organisations:

The UK Bat Helpline: 0945 1300 228

Natural England: 0845 6014523

Herts and Middlesex Bat Group website: www.hmbg.org.uk

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