

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2013/1343/FP
APPLICATION Site:	12 Ramsey Close

NOTATION:

The site lies within the Green Belt and a Landscape Character Area 51 as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site is on the north side of a small cul-de-sac known as Ramsey Close, which is located on the periphery of the developed area of Brookmans Park and is accessed from Shepherds Way. The site comprises a detached two storey dwelling with front and rear gardens and a detached single garage. The dwelling is finished in red facing brick under a gable roof and is one of a group of four detached dwellings which appear to have been built at the same time to a similar design. The adjacent dwelling to the east, No.13 Ramsey Close, has been extended previously with a two storey side extension following planning permission granted in 2003. A two storey block of flats lies approximately 40m to the west of the application site, separated by an area of predominantly open amenity space. To the rear of the site are open fields.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for demolition of existing garage and erection of two storey side, single storey front extension and orangery/conservatory.

The existing detached garage would be replaced with a two storey side extension which would abut the flank site boundary to the east and project approximately 2m forward of the front wall of the dwelling. The side extension would feature an integral garage and a gable roof with a ridge running front to back. A single storey element would project across the front of the dwelling, finished with a monopitch roof. A single storey orangery is proposed to the rear of the property.

PLANNING HISTORY:

None

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy Framework, March 2012

Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

Welwyn Hatfield District Plan 2005

GBSP1: Definition of Green Belt

SD1: Sustainable Development

R3: Energy Efficiency

R11: Biodiversity and Development
RA3: Extensions to Dwellings in the Green Belt
D1: Quality of Design
D2: Character and Context
M14: Parking Standards for New Development

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS:

Hertfordshire County Council Biological Records Centre: No objection
Hertfordshire and Middlesex Wildlife Trust: No response (consultation expired 16/08/2013)

TOWN/PARISH COUNCIL COMMENTS:

North Mymms Parish Council: No response (consultation expired 16/08/2013)

REPRESENTATIONS:

The application was advertised by site notice and neighbour notification letters. Two representations were received from neighbouring occupiers within Ramsey Close objecting on the following grounds:

- Loss of light
- Loss of privacy
- Impact on openness
- Impact on bats
- Noise and dust during construction
- The design of the extensions is not in keeping with the other properties in Ramsey Close.

Queenswood School, who own the Ramsey Close flats Nos.1-8 and also the land to the west side of the application site, expressed concern that the front extension would be forward of the building line and that the proposal may result in the loss of an off street parking space. North Mymms District Green Belt Society objected on the grounds of inappropriate development in the Green Belt and a reduction in the openness of the Green Belt.

DISCUSSION:

The main issues are:

1. Whether the proposal is appropriate development in the Green Belt and the effect of the proposed extensions on the openness, character and visual amenity of the Green Belt and on the surrounding area
2. The impact of the proposal on the on the residential amenity of neighbouring properties
3. Parking standards and impact on the highway
4. Other material considerations

1. Whether the proposal is appropriate development in the Green Belt and the effect of the proposed extensions on the openness, character and visual amenity of the Green Belt and on the surrounding area

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).

The NPPF does not qualify what is said about inappropriate development in the Green Belt 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.

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.

The main issues are therefore:

- (i) Whether or not the proposed extensions would amount to inappropriate development in the Green Belt
- (ii) Whether the proposal would comply with the five purposes of including land in the Green Belt and the effect of the extensions on the openness of the Green Belt, its character and visual amenity
- (iii) Whether there are any very special circumstances to clearly outweigh the harm by reason of inappropriateness and any other harm

(i) Whether or not the proposed extensions would amount to inappropriate development in the Green Belt: The Local Plan makes clear that the judgement as to whether a proposal would result in a disproportionate increase in the size of the original dwelling must take into account any existing or approved extensions but it gives no detailed guidance as to what scale of increase will be considered "disproportionate".

Neither the NPPF 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 building in order to assess whether or not an addition is disproportionate. The net total additional floor area added to the original building 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 dwelling has not been extended upon previously and therefore the existing dwelling is the original dwelling which has a total floor area (including the garage) of approximately 131sqm. The proposed extended dwelling would have a floor area measuring 228sqm which is equivalent to a 74% increase over and above the original dwelling. In terms of footprint, the dwelling would increase from approximately 75sqm to 139sqm equivalent to an 85% increase over-and-above the original dwelling. By any measure this would be a significant increase therefore it is concluded that the extensions would amount to disproportionate additions over-and-above the size of the original building. The two storey side extension in particular would be perceived as a very large increase in size of the dwelling and would be seen as a sizable increase in volume and built development on this site. The proposal is therefore regarded as inappropriate development in the Green Belt which is by definition, substantially harmful to the Green Belt contrary to the National Planning Policy Framework, March 2012 and Policy RA3(i).

(ii) Whether the proposal would comply with the five purposes of including land in the Green Belt and the effect of the extensions on the openness of the Green Belt, its character and visual amenity: In terms of the effect of the proposal on the openness of the Green Belt and its visual amenity, the NPPF identifies in paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. 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.

To the rear of the site are a number of trees and hedges which limit views of the application dwelling from the fields to the north, however, the application dwelling is still clearly visible from the Ramsey Close and Shepherds Way to the south. Notwithstanding this, the NPPF 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. The effect on openness of the Green Belt is a matter of physical presence rather than visual qualities. The extension would inevitably reduce the openness of the Green Belt by reason of its three dimensional bulk regardless of whether the additional built form can be seen.

The erosion of openness that would occur is especially relevant given the context provided by the existing development in this part of the Green Belt, and its very close proximity to the undeveloped countryside around. The impact of the proposed extension on the openness of the site would result in a degree of intrusion in the countryside and a limited amount of harm to one of the purposes of the Green Belt of assisting in safeguarding the countryside from encroachment.

Turning to visual amenity, character and pattern of development, the impact of a proposal is assessed giving regard to the bulk, scale and design of the development and how it harmonises with the existing building and the wider area. In addition to Policy RA3, Policies D1 and D2 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires that residential extensions should be complementary in design and be subordinate in size and scale to the existing dwelling. Paragraph 5.2 (v) of the SDG states that for all multi storey or first floor extensions a minimum separation distance of 1m is required between the proposed

extension and the adjoining flank boundary. The SDG goes on to state that it is important that existing spacing in the street scene is reflected which may result in larger distances being required.

Ramsey Close is a small cul-de-sac which comprising just four detached dwellings situated close to the junction with Shepherds Way to the south. A two storey block of flats lies approximately 40m to the west of the application site separated by an area of predominantly open public amenity space. The four detached dwellings appear to have been built at the same time to a similar design. Spacing around the four properties is generous with each property benefiting from a single garage to the side and a garden to the front and rear.

No.12, 14 and 15 Ramsey Close have largely retained their original form when viewed within the streetscene, whilst No.13 has been extended with a two storey side extension following planning permission granted in 2003 (application ref: S6/2003/1294/FP). Although the extension at No.13 has some impact on spacing, this property forms a corner plot situated at a right angle with No.14. As such, the side extension has maintained approximately 2m separation distance from the site boundary and approximately 12m from the flank wall of No.14. It is also relevant that this permission pre-dates the current development plan and each proposal must be considered on its own merits in the light of the extant development plan and all other material planning considerations. Therefore, the extension of No.13 and other dwellings in the locality does not set a precedent in relation to this case.

Although Ramsey Close is a residential street, No.12 and the other dwellings along this part of the cul-de-sac have substantial openness around them that contributes to the Green Belt character of the locality. This is emphasised by the views obtainable between the buildings and to the open countryside beyond. The scale of the extensions proposed would be sufficient to significantly detract from the openness of the Green Belt and be harmful to it. Moreover, the extension would have a visual effect that would significantly erode the open character of the street scene and the locality.

The architectural style and materials proposed would not be out of character with the existing dwelling or neighbouring properties. Notwithstanding this, the two storey extension would abut the flank boundary which fails to comply with the SPG and would reduce the space around the dwelling to such an extent that it would appear cramped on its site. The resultant spacing between No.12 and No.13 would fail to reflect existing spacing in the street scene. Furthermore, due to the spacious layout of the existing dwellings in Ramsey Close, the application property appears as a prominent feature in the street scene; in such circumstances, the proposed scheme would appear very noticeable and would cause significant harm to the character and appearance of the existing dwelling and the locality generally contrary to national and local planning policies.

The increased scale of the dwelling and the resultant intrusion in to the surrounding countryside would fail to maintain the character of the area contrary to criterion (ii) of Policy RA3 and the objectives of Policies D1 and D2. As a result, the harm in this respect is also afforded a significant degree of weight.

(iii) Whether there are any very special circumstances to clearly outweigh the harm by reason of inappropriateness and any other harm: Having determined that the development is inappropriate in the Green Belt it is necessary to consider whether any very special circumstances exist which on the opinion of the Local

Planning Authority could amount to very special circumstances required to outweigh the harm caused by reason of inappropriateness and any other harm.

It is acknowledged that other properties within the vicinity of the application site have been extended, however, the fact that other houses have been extended does not weigh in favour of a proposal that would on its own merits represent a disproportionate increase in dwelling size. The proposed extension is materially different to the existing extensions to neighbouring properties in that it would be significantly more prominent within the streetscene and would abut the flank site boundary. In this regard the proposal conflicts with the relevant parts of the NPPF that seek to protect the open character of the Green Belt, and that are reflected in the supporting text to Policy RA3. The proposed reduction in, and harm to, openness provides substantial weight against the proposal and adds to the harm by inappropriateness. By being harmful to the open Green Belt character of the area, the proposal conflicts with Policy RA3(ii) and this weighs significantly against the proposal.

No very special circumstances have been advanced by the applicant. In addition, there are no circumstances which on the opinion of the Local Planning Authority could amount to very special circumstances required to outweigh the harm caused by reason of inappropriateness. The proposal is therefore contrary to the advice contained in the National Planning Policy Framework and would conflict with Policy RA3 of the Welwyn Hatfield District Plan 2005.

1. The impact of the proposal on the residential amenity of neighbouring properties

The impact of the proposed development on the residential amenity of neighbouring occupiers is considered in terms of the impact on access to day/sun/sky light, privacy and overbearing impact. Giving consideration to the scale of the proposal and its setting, it is considered that the proposed extension would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residences and would not appear visually overbearing in accordance with the NPPF, Policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

2. Parking standards and impact on the highway

The submitted drawings show that the extended dwelling would provide a total of four bedrooms. The Parking Standards Supplementary Planning Guidance (SPG) identifies the site as within Zone 4 where residential dwellings with four or more bedrooms require a maximum of three car parking spaces which can be provided within the site. Access arrangements would remain unchanged. It is considered that the development would not have an unreasonable impact on the safety and operation of the adjoining highway in accordance with the National Planning Policy Framework; Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance

3. Other material considerations

Sustainable Development: The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance, 2005.

Protected species: The presence of protected species is a material consideration, in accordance with, 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 a EPS offence be likely to occur. Hertfordshire Biological Records Centre was consulted on this proposal and did not object. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

CONCLUSION

The size of the proposed extensions in comparison with the original dwelling, as a matter of fact and degree, would result in a disproportionate addition over and above the size of the original dwelling. The proposal is therefore regarded as inappropriate development in the Green Belt. Substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed development.

To the substantial harm by reason of inappropriateness must be added the inevitable loss of Green Belt openness locally that addition of the proposed extension would occasion. Taking account of the aim of the NPPF to protect Green Belts from development, it is considered that the significant increase in the size of the building would detract from the openness of the Green Belt and thereby conflict with one of its essential characteristics. The proposed reduction in, and harm to, openness provides significant weight against the proposal.

The architectural style and materials proposed would not be out of character with the existing dwelling or neighbouring properties. Notwithstanding this, the two storey extension would abut the flank boundary which fails to comply with the SPG and would reduce the space around the dwelling to such an extent that it would appear cramped on its site. The resultant spacing between No.12 and No.13 would fail to reflect existing spacing in the street scene. The increased scale of the dwelling and the resultant intrusion in to the surrounding countryside would fail to maintain the character of the area contrary to criterion (ii) of Policy RA3 and the objectives of Policies D1 and D2. As a result, the harm in this respect is also afforded a significant degree of weight.

No very special circumstances have been advanced by the applicant. In addition, there are no circumstances which on the opinion of the Local Planning Authority could amount to very special circumstances required to outweigh the identified harm to the Green Belt.

RECOMMENDATION: REFUSAL AND REASON (S)

1. The proposal represents a disproportionate addition to the original dwelling house and is therefore inappropriate development within the Green Belt. In addition, the scale of the proposal would have a detrimental impact on the openness, character and visual amenities of the Green Belt and surrounding

area. The Local Planning Authority do not consider that very special circumstances exist which outweigh the harm, by reason of inappropriateness and other identified harm in the form of impacts on openness, character of the area and visual amenity. The proposal is therefore contrary to the National Planning Policy Framework, Policies D1, D2 and RA3 of the Welwyn Hatfield District Plan 2005, and the Supplementary Design Guidance, Statement of Council Policy, 2005.

Note: The decision has 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 viewed on the Councils website or inspected at these offices).

REFUSED DRAWING NUMBERS: 01 & 02 & 201 & 202 & 203 & 204 & 205 & 206 received and dated 10 July 2013

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