

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2013/1748/FP
APPLICATION Site:	1 The Cottages, Shepherds Way

NOTATION:

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

DESCRIPTION OF SITE:

The application site is located on the southern side of Shepherds Way, some 90m east of the junction with Great North Road (A1000) and comprises a semi-detached two storey dwelling with a rear garden and a gravel parking area to the front. The character of the surrounding area is rural and features fields, areas of woodland and a large pond. The site is irregular in shape measuring approximately 60m in length along the site frontage with Shepherds Way, 5m in depth to the west boundary and 16m in depth to the east boundary. The application dwelling is orientated so that the front elevation faces west and the flank elevation faces Shepherds Way. At its closest point, approximately 4m separation distances exists between the application dwelling and the site frontage to Shepherds Way. The boundary to the side and rear is defined by a close boarded fence approximately 1.8m in height. The application dwelling is believed to date from the late 19th Century and features a gable roof, a single storey extension to the rear and a porch extension to the front. Externally the application dwelling is finished in yellow stock brick, a plain tiled roof with timber soffits and fascia boards, replacement windows and doors.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for the erection of two storey side extension, installation of velux windows to existing single storey rear extension. The two storey side extension would measure approximately 7.1m in depth and 3m in width. The extension would be set in approximately 600mm from the front elevation of the application dwelling and approximately 850mm from the main rear elevation. The roof would be gabled in design with a ridge height of approximately 6.8m which would be approximately 900mm below the main ridge of the dwelling. The roof would feature a dormer window to the front and rear. The extensions would be finished in materials to match the existing dwelling.

PLANNING HISTORY:

S6/2013/0350/LUP – Certificate of lawfulness for the erection of first floor rear extension (Granted 07/05/2013)

S6/2011/2817/FP – Erection of two storey side extension, alterations to windows and doors on rear elevation and insertion of rooflight windows (Refused 29/02/2012 and dismissed at appeal 14/05/2012). Reason for refusal of planning application S6/2011/2817/FP:

- 1. The proposed extensions would result in a disproportionate increase in the size of the original dwelling that would fail to appear as a limited extension to*

the dwelling. Furthermore, the proposed development as a result of its prominence, bulk and design would significantly diminish the openness of this part of the Green Belt to the detriment of the character of the area. The proposal is therefore inappropriate development within the Green Belt where the applicant has failed to prove to the satisfaction of the Local Planning Authority, that the harm, by reason of its inappropriateness is outweighed by other considerations contrary to the requirements of Policy RA3 of the Welwyn Hatfield District Plan 2005 and Planning Policy Guidance Note 2: Green Belts.

S6/2011/0833/FP – Erection of part two storey, part single storey side extension (Refused 04/07/2011)

S6/2001/0121/FP – Two storey side extension (Granted 22/01/2001)

S6/1993/0796/FP – Single storey rear extensions (Granted 08/12/1983)

S6/1991/0639/FP – Single storey side extension (Granted 22/11/1991)

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 Biological Records Centre: No objection

TOWN/PARISH COUNCIL COMMENTS:

North Mymms Parish Council: *“this site is within the Green Belt so proposed extension should comply with Green Belt policies.”*

REPRESENTATIONS:

The application was advertised by site notice and neighbour notification letters. No representations were received.

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. 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 application dwelling has previously benefited from a single storey rear extension and the erection of a porch to the front. Following a review of the planning history, the floorspace of the original dwelling, as it existed in 1947, has been calculated as approximately 92sqm. The floorspace of the existing dwelling measures approximately 119sqm, equivalent to a 29% increase over-and-above the original dwelling. In terms of footprint, the dwelling has increased from approximately 53sqm to 80sqm equivalent to a 51% increase over-and-above the original dwelling.

The proposed extensions would result in a total floorspace of approximately 162sqm which is equivalent to a 76% increase over-and-above the original dwelling. The footprint would increase to approximately 101sqm or a 90% increase over-and-above the original dwelling. 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.

The extension would inevitably reduce the openness of the Green Belt by reason of its three dimensional bulk. 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. The extension would be between the road and the existing building but this position is still within the Green Belt and does not confer acceptability on the loss of openness.

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.

Due to the orientation and the close proximity of the application dwelling to the highway at the side of the site, the two storey extension would be highly visible from viewpoints travelling along Shepherds Way. Despite a lower ridge and set backs at the front and rear the extension would represent significant additional bulk. The increased scale of the dwelling and the resultant intrusion in to the Green Belt 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.

The architectural style and materials proposed would not be out of character with the existing dwelling or neighbouring properties. Although no additional harm would be added in this regard, this does not add weight in favour of the development; it merely reduces the amount of "other harm" against it. The absence of harm in one respect cannot outweigh harm in another. Such factors are essentially neutral in the final balance.

(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.

Although the applicant has not submitted a very special circumstances case, the application was accompanied by a Planning Statement which raises a number of matters which can reasonably be taken into account as being material considerations. Essentially the material considerations comprise the demolition of two outbuildings and a "fallback position".

Demolition of outbuildings: The applicant has referred to the removal of outbuildings and indicates that these covered a greater area than needed for the proposed extension. In dismissing planning appeal APP/C1950/D/12/2172717, which followed refusal of planning application S6/2011/2817/FP, the Inspector noted that "*no plans or calculations of their size have been provided*" and opined that "*in any case, this matter would not constitute a benefit of the current proposal as the structures have already been removed anyway.*" The submitted Site Plan which accompanies the current planning application shows the footprint of two substantial outbuildings within the rear garden of the application property. In addition the applicant has stated within the Planning Statement that the outbuildings measured 40sqm and 27sqm. Photographs of the outbuildings have also been provided. During a site visit it was noted that the concrete bases of the outbuildings were clearly apparent. The applicant has advised that the outbuildings were removed from the site in 2011 as part of general works to renovate the property and in prior to submitting a planning application for extensions. In consequence, the demolition of these outbuildings can only be afforded limited weight.

Fallback position: The applicant's fallback position comprises a first floor extension to the rear of the property under permitted development (PD) rights, as confirmed by a recently granted Certificate of Lawfulness (S6/2013/0350/LUP). The applicant states that he intends to implement these works in the event that the application is refused but has submitted the current application "in place of this permitted development".

The PD extension would have a floorspace of around 8sqm, which is less than the floorspace of the proposed extension. The footprint and mass would also be less than the proposed extension. Notwithstanding this, the PD extension is considered to have a greater visual impact in terms of its prominence, size, bulk and design on the character, appearance and pattern of development of the surrounding countryside.

The proposed extension would be entirely to the side of the existing dwelling and between the road and the existing building. When viewed from the road, the extension would largely be seen against the backdrop of the existing building, whereas the PD extension would extend by some 3m beyond the rear wall of the dwelling at first floor level and would feature a gable roof 6m high. Additionally, the design of PD extension would be out of keeping with the appearance of the existing dwelling, adding to its visual prominence. Whereas the proposed extension would reflect the existing house design and balance with the existing side extension at No.2 The Cottages, the PD extension would appear to be a visually discordant "bolt-on". In particular, the PD extension would be built across part of an existing subsidiary gable containing a window, which is a principal architectural feature of the application dwelling and the adjoining property. The extension would leave only half the original gable showing and the original window would be bricked up resulting in a contrived arrangement which would significantly harm the character and appearance of the application building and the surrounding area.

Many dwellings have permitted development rights, including those in the Green Belt. This circumstance alone therefore could not be considered to be unique to this proposal. However, the applicant has incurred financial and time costs in the preparation of the Certificate of Lawfulness application and there are no reasons to dispute his intentions. It is considered that there is every prospect of the fallback position being implemented. It is concluded that the PD extensions would, if implemented, reduce the openness of the Green Belt to a greater extent than the extension currently proposed and would result in greater harm to the visual amenity, character and appearance of the Green Belt than this proposal.

The Framework requires applications for development in the Green Belt to be assessed on their own merits. Very special circumstances can therefore only be derived from the specific considerations arising from the proposed scheme and its circumstances. This decision is made on the basis of a balanced judgement taking into account a number of factors.

On balance, the distinct possibility of a significantly more prominent PD extension being built clearly outweighs the harm to the Green Belt from inappropriateness. Assessing the proposal as a whole on its own particular merits, it is concluded, therefore, that very special circumstances exist which justify the development. All other matters raised have been taken into account but do not outweigh the conclusion set out above.

It would be necessary to remove permitted development rights for extending the property in the future with regard to Schedule 2, Classes A & E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) to prevent the fall back extension being implemented after the extension. A condition can also be applied to prevent the fall back extension being implemented prior to the side extension. Class E would permit the provision of any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse as such. Moreover, a

building permitted by Class E could be sited very close or even touching the dwellinghouse provided that the buildings were not attached to each other. It is likely that such a development would erode any benefit to the openness of the Green Belt resulting from the demolition of the outbuildings and could potentially result in significantly greater harm in terms of openness of the Green Belt, its character and visual amenity.

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

No representations have been received from neighbouring occupiers. 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 residencies and would not appear visually overbearing in accordance with the Local Plan Policy and Supplementary Design Guidance 2005 (Statement of Council Policy).

3. Other material considerations

Parking provision and impact on the highway: The submitted drawings show that the extended dwelling would provide a total of three bedrooms. The Parking Standards Supplementary Planning Guidance (SPG) identifies a parking requirement of 2.25 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 Local Plan Policy M14 and the accompanying Supplementary Planning Guidance.

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. Furthermore, Policy SD1 states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. The applicant has indicated within the submitted sustainability checklist that the extension would not impact upon neighbour amenity; the extension will be insulated to current building regulation requirements; second-hand materials would be used for the roof; dual flush toilets would be installed to reduce water consumption; no mature trees or hedges would be removed. It is considered that the proposal has sufficiently considered sustainability measures in accordance with Local Plan Policy SD1 and R3.

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

On balance, the distinct possibility of a significantly more prominent PD extension being built clearly outweighs the harm to the Green Belt from inappropriateness. Assessing the proposal as a whole on its own particular merits, it is concluded, therefore, that very special circumstances exist which justify the development. All other matters raised have been taken into account but do not outweigh the conclusion set out above.

It would also be reasonable to attach a condition requiring any extensions erected on the land since the grant of planning permission to be completely demolished and the resultant debris permanently removed from the application site to ensure that the PD extension is not erected prior to implementing the consent. Any approval should also restrict permitted development rights that would enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of the openness and visual amenity of the Green Belt in accordance with the National Planning Policy Framework and Policy RA3 of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: APPROVAL WITH CONDITIONS

CONDITIONS:

1. C.2.1 – Time Limit
2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 5896-02 Rev A received and dated 2 September 2013

POST DEVELOPMENT

3. C.5.2 – Matching Materials
4. The permission hereby granted shall not be implemented in the event that any enlargement of the dwelling, from that detailed on drawing number 5896-01 rev A received and dated 13 September 2013, granted deemed permission by the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 Schedule 2, Part 1, Class A of the Order (as amended), is commenced prior to the commencement of the development hereby permitted.

REASON: To ensure the openness and visual amenity of the Green Belt is adequately safeguarded in accordance with the National Planning Policy Framework and Policy RA3 of the Welwyn Hatfield District Plan 2005.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A & E of Part 1 of Schedule 2 shall take place unless permission is granted on an application made to the Local Planning Authority.

REASON: To enable the local planning authority to fully consider the effects of development normally permitted by that order in the interests of the openness and visual amenity of the Green Belt in accordance with the National Planning Policy Framework and Policy RA3 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

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

INFORMATIVES: None

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