

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2014/806/FP

SITE ADDRESS: Kentish Grange, 39 Kentish Lane, Brookmans Park

DESCRIPTION OF DEVELOPMENT: Erection of single storey rear extension

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. SITE AND APPLICATION DESCRIPTION:

The site accommodates a modern, detached replacement dwelling. The application dwelling has a 1.5 storey appearance. To the front of the property is a large hardstanding and a mature hedge screens the front boundary. Brick pillars and gates enclose the vehicular access. Within the front garden there is modest vegetation. To the rear of the property is a patio and large amenity space that backs onto private land containing mature trees. The land level rises to the rear of the plot and the lawn area is on a higher tier.

The proposed development would involve the erection of a single storey rear extension. The proposal would be sited to the centre of the rear elevation and approximately have a maximum depth of 3m by a width of 4m , with a flat roof to a height of 3m.

2. SITE DESIGNATION:

The site lies within Brookmans Park. It is within the Green Belt in accordance with Policy GBSP1 as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

S6/2007/1766/FP - Erection of dwelling with integral garage, following demolition of existing dwelling. Granted 16 January 2008.

S6/2010/2604/FP - Erection of single storey rear extension to form a conservatory. Refused 23 December 2010. Appeal dismissed 23 May 2011.

4. CONSULTATIONS:

North Mymms District Green Belt Society commented that Green Belt policies on extensions should be adhered to.

5. NEIGHBOUR REPRESENTATIONS:

The application was advertised by neighbour notification letter and a site notice. No representations have been received.

6. TOWN/PARISH COUNCIL REPRESENTATIONS

North Mymms Parish Council commented that this site is in the Green Belt so the proposed extension should comply with Green Belt policies on extensions.

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

a) principle of development and the impact of the proposal on the openness of the Green Belt, character and appearance of the existing property and the surrounding area (NPPF paragraphs 79 – 89, Policies GBSP1, RA3, D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance),

b) impact on the residential amenity of nearby and neighbouring properties (Policy D1 of the Welwyn Hatfield District Plan 2005)

8. ANALYSIS:

a) principle of development and the impact of the proposal on the openness of the Green Belt, character and appearance of the existing property and 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the National Planning Policy Framework (NPPF) states, 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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. Furthermore, 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. This advice is reflected in Local Plan Policy RA3 which allows extensions to dwellings providing that i) it would not result in a disproportionate increase in the size of the dwelling; and ii) it would not have an adverse impact on the character, appearance and pattern of development of the surrounding countryside.

The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the openness of the Green Belt and the character and appearance of the host dwelling and surrounding area; if it is inappropriate development are there any very special circumstances to justify its approval.

Appropriateness of development

The NPPF accepts that within the Green Belt 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 (para. 89). Local Plan Policy RA3 contains a broadly similar provision. Neither the NPPF or Policy RA3 provide specific guidance on assessing the size of a property in order to assess whether or not an addition is disproportionate. The net additional footprint and floorspace added to the original building are commonly used indicators.

The application dwelling is a replacement property, which has been built larger than the original dwelling. At the time of approval, permitted development rights were restricted on the new dwelling. Therefore, the Council has retained control over further additions that would add to the bulk and mass of the dwelling and result in a property that would be disproportionate in size when compared to the original.

This current proposal is a resubmission of a previous application that was refused and dismissed at appeal with reference S6/2010/2604/FP. The previous submission was for a much larger conservatory with a pitched roof and floor area measuring 23.5m². As noted in that submission, when comparing the existing dwelling to the previous dwelling and outbuilding, the floorspace of the property has increased and the floorspace is approximately 44% larger. This increase in size was allowed when considering that the previous dwelling had not been extended and the replacement dwelling has been designed to not be too prominent or dominant. The original dwelling had a floorspace of approximately 160m² while the replacement dwelling has a floorspace of approximately 230m². The previous application for a conservatory would have resulted in a 58% increase. The current proposed extension has a floorspace of 12m²; therefore the resultant dwelling would represent a 51% increase in floorspace when compared to the original dwelling. This results in a disproportionate increase over and above the size of the original property. As such, the proposal would represent inappropriate development in the Green Belt that is contrary to the NPPF and Policy RA3 (i) of the Local Plan.

Openness, character and appearance

The fundamental aim of Green Belt policy as set out in para. 79 of the NPPF and Local Plan Policy RA3 (ii) is to prevent urban sprawl by keeping land permanently open.

Whilst floorspace alone is one consideration made to assess the appropriateness of development, the overall mass and bulk of the addition is a further consideration that may affect the openness and the character and appearance of the area. The previous conservatory represented a rather significant addition to the dwelling due to the depth of 5.2m and height of 3.7m. The appeal decision stated that '*whilst the proposed conservatory would be to the rear of the dwelling, it is likely that it would be at least partly seen in views across the extensive open gap adjoining the appeal site*'. The current proposal has been reduced in size with a depth of 3m and a height of 3m, thus significantly reducing the impact that this would have in terms of its prominence and design. Furthermore, the site is now well screened by hedging along its flank boundaries thus helping to screen this addition. Although the proposed extension adds to the built development on the site it is not considered to have a significant effect on the openness of the Green Belt.

In terms of visual amenity, character and appearance of the host dwelling and surrounding area, the NPPF states that the Government attaches great importance to the design of the built environment. Policy D1 of the Welwyn Hatfield District Plan 2005 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan.

The bulk, scale and design of the proposed extension complement the existing dwelling. Additionally, due to its siting to the rear, it would have no discernible presence in the street scene. The extension would be compact in appearance against the two-storey dwelling and appropriately styled to reflect the character of the existing dwelling. Subject to a planning condition requiring materials to match the existing building, the design and architectural detailing proposed would not have an adverse visual impact on the character, appearance and pattern of development.

The overall massing proposed is considered to be subordinate in size and scale to the existing dwelling and the completed development would sit acceptably in its setting.

For these reasons, it is not considered that the proposed extension would be contrary to para. 79 of the NPPF and Local Plan Policy RA3 (ii).

Very special circumstances

Although the proposal will not cause significant harm to the openness of the Green Belt given its bulk, scale, design and position, substantial weight is still given to the overall appropriateness of development when considering the increase in the size of the existing dwelling against the original dwelling and the controls the council has imposed to restrict future developments to the property.

During the pre-application discussions, the applicant explained that for personal medical reasons there was a need to provide additional ground floorspace. Details were submitted at that time providing evidence to support this. Whilst that evidence has not been submitted as part of this application it was accepted as a reasonable reason moving forward with the proposal. The applicant also refers to outbuildings that can be erected under the Town & Country Planning (General Permitted Development) Order 1995 (as amended) and that these rights were not removed as part of the original application for the replacement dwelling. Therefore, a building larger than the proposed extension could be erected within the curtilage of the site without requiring planning permission, which could have a more pronounced impact upon the openness of the Green Belt. The applicant accepts that removing this right under Class E of the above Order will thereby allow permission to be granted for this extension.

With the above considerations, on balance, the applicant's justification for the proposal amount to very special circumstances referred to in para. 88 of the NPPF. Subject to a condition removing permitted development rights under Class E and prevention of any outbuildings being built between now and development of the conservatory commencing the application is considered acceptable in terms of the objectives of the NPPF and Local Plan Policies GBSP1 and RA3.

b) impact on the residential amenity of nearby and neighbouring 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 extension is of a modest form set centrally to the rear of the property, there is sufficient distance between the extension and the flank boundaries of the site to ensure that there will be no impact upon the neighbouring properties in terms of overlooking, light loss or appearing overbearing upon private amenity areas.

Accordingly, the proposal is in accordance with Policy D1 of the Welwyn Hatfield District Plan, 2005.

9. CONCLUSION:

Overall, the harm caused by reason of inappropriateness, particularly as there is no other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. Subject to conditions removing permitted development rights for erection of outbuildings within the curtilage of the dwelling, it is concluded that the proposal would not result in significant encroachment of development into the countryside and the siting and design of the extension would prevent it from appearing overly prominent or having a significant effect upon the openness of the Green Belt. Furthermore, there are no concerns regarding impact on the residential amenity of nearby neighbouring properties.

Subject to a planning condition to ensure matching materials are used in the construction of the proposed extension it is considered that the design would adequately respect and relate to the existing dwelling and the surrounding area.

The proposed development is therefore considered to be in accordance with the National Planning Policy Framework and the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

10. CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details: Site Location Plan (1:1250) & AK1 & AK2 received and dated 24 April 2014
3. C.5.2 – Matching materials
4. C.6.4 – Removal of PD (Class E)

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of the visual amenity of the area in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the appropriateness of any future development in the Green Belt in accordance with the National Planning Policy Framework and Policy RA3 of the Welwyn Hatfield District Plan 2005.

5. The permission hereby granted shall be void in the event that any building or enclosure erected within the curtilage of the dwelling, from that detailed on the Site Location Plan (1:1250) & Drawing No. AK1, which is permitted development by the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 Schedule 2, Part 1, Classes E of the Order (as amended), is commenced prior to the commencement of the development hereby permitted.

REASON: To ensure that the Local Planning Authority retains control over further extensions having regard to Green Belt Policy constraints 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 inspected at these offices).

INFORMATIVES:

None

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