

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 4 FEBRUARY 2015
REPORT OF THE DIRECTOR (GOVERNANCE)

S6/2015/2413/FULL

WYNDHAM COTTAGE, CAMFIELD PLACE, ESSENDON, HATFIELD, AL9 6JE

CREATION OF A SEPARATE DWELLINGHOUSE FROM AN EXISTING GARAGE

APPLICANT: Mr J Adkin

(Hatfield East)

1. Site Description

- 1.1 The application site is located approximately 1.4km to the south west of Essendon and over 2km from the settlement of Brookmans Park (to the south west). The site comprises a detached two storey dwellinghouse, with a detached garage (the subject of this application).
- 1.2 The site is accessed off the B158 to the south and open fields surround the application site. A public footpath runs immediately to the west of the site.

2. The Proposal

- 2.1 This application seeks full planning permission for the use of the existing garage, which is currently used partly for ancillary accommodation, as a separate dwellinghouse. The only alteration to the visual aesthetics of the garage would be the removal of the garage doors to front and the insertion of a window and front door.

3. Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because **XXXX**. – Councillor Sarson in support – call-in forthcoming.

4. Relevant Planning History

- 4.1 None.

5. Planning Policy

- 5.1 National Planning Policy Framework (NPPF) March 2012

- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6. Site Designation

- 6.1 The site lies within Hatfield, in the Metropolitan Green Belt and West End-Brickendon Wooded Slopes Landscape Character Area, as designated in the Welwyn Hatfield District Plan 2005.

7. Representations Received

- 7.1 None.

8. Parish Council Representations

- 9.1 none received.

9 Analysis

- 9.1 The main planning issues to be considered in the determination of this application are:

1. The principle of the development within the Green Belt (District Plan Policies GBSP1, GBSP2 & NPPF (paragraphs 79-90))

2. The quality of the design and the impact on the character and appearance of the area (D1 & D2 & RA10 & NPPF)

3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF)

4. Other Material Planning Considerations

i) Highway Safety and Parking Provision (M14 & NPPF)

ii) Refuse and Recycling Storage (D1 & IM2 & M4)

5. Principle of development with regards to sustainability (SD1, R1, H1, H2, GBSP1, GBSP2 National Planning Policy Framework (NPPF))

1. The principle of the development within the Green Belt (District Plan Policies RA17, GBSP1, GBSP2 & NPPF (paragraphs 79-90))

- 9.2 The Government attaches great importance to Green Belts. 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. In the Green Belt, inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 9.3 The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt, the effect on the openness of the Green Belt and, if it is inappropriate development, are there any very special circumstances to outweigh the harm to the Green Belt and any other harm.

9.4 **Appropriateness**

The site lies within the Green Belt, where the national Green Belt policies are set out in the National Planning Policy Framework (henceforth referred to as the Framework) (Section 9: Protecting Green Belt Land). Aside from the presumption in favour of sustainable development and core planning principles set out in paragraphs 6-17 of the Framework the most relevant paragraphs to decision making are 89 and 90 together with paragraphs 79 – 81 (as appropriate).

- 9.5 The proposals involve the conversion of an existing garage to a residential unit. Paragraph 90 of the Framework states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.”

- 9.6 One such form of development is:

“The re-use of buildings provided that the buildings are of permanent and substantial construction.”

- 9.7 Following a site visit it would appear that this building is of permanent and substantial construction. As such, subject to preserving the openness of the Green Belt and not conflicting with purposes of including land within it, the re-use of this building for residential purposes may be appropriate within the Green Belt.

9.8 **Openness**

With regards to openness this is about the physical permanence at the application site and the sense of visual openness at the site. Given there are no extensions or alterations proposed to the garage and as it lies immediately adjacent to a two storey residential building, on land that is already residential in use, it is unlikely that the development would result in a significant change to the sense of visual openness at the site. However, the proposed development would result in a likely increase in external residential paraphernalia at the site, the construction of boundary treatment to divide the garage from the existing dwellinghouse and additional vehicles parked within the immediate vicinity. This would result in an increase in terms of physical permanence at the site. However, given the limited extent of the increase in this regard compared to the existing situation and as harm may be mitigated through the use of conditions removing permitted development for extensions

and alterations and outbuildings (Classes A and E of Schedule 2, Part 1), limited weight has been afforded to this harm.

9.9 ***Purposes of including land in the Green Belt***

It is necessary to consider whether the proposal would result in harm to the five purposes of including land in the Green Belt. Paragraph 80 of The Framework states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.10 The site does not lie in a built up area and is some distance from the nearest town or settlement. As such, and with regards to the nature of the proposal, it is not considered that the development would result in the unrestricted sprawl of a large built up area or result in neighbouring towns merging into one another.

9.11 Given the land to be used for curtilage in association with the proposed new unit is already residential in use (associated with Wyndham Cottage), the garage itself is for ancillary residential accommodation and therefore has existing residential features (rooflights as an example) and as the only alteration to the garage would be the insertion of a window and door to front, it is not considered that the proposal would spread built form into open countryside nor would it significantly encroach an inappropriate residential feature into the countryside. Furthermore, there are no historic towns within close proximity of the site and so the development would not harm the setting and special character of a historic town in accordance with bullet point 4 of para. 80 of the Framework.

9.12 However, the existing District Plan focuses development in urban areas and Policy GBSP2 states:

“...Development will mainly be concentrated in the two towns.”

Towns – Welwyn Garden City; Hatfield”

9.13 There is clearly an existing strategy that seeks to channel development towards larger urban areas away from more rural locations. To allow this kind of residential development in the Green Belt would encourage a pattern of development in a Green Belt location that is contrary to this aim. Taking this into account, the development fails to assist in urban regeneration by encouraging the recycling of derelict and other urban land. This is contrary to the final bullet point in paragraph 80.

9.14 Taking the above into account, the proposal would fail to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The proposal is, therefore, contrary to the final purpose of including land with the Green Belt.

9.15 ***Conclusion on Green Belt and Very Special Circumstances***

Taking the above into account, though the proposal would not significantly harm the openness of the Green Belt, the development would contravene the Council's settlement strategy (policies GBSP1 & GBSP2) and therefore fails the fifth purpose of including land in the Green Belt with regards to para. 80 of the Framework. As such, though the building is of permanent and substantial construction, the development fails the preconditions mentioned within paragraph 90 of the Framework and is therefore inappropriate development within the Green Belt.

9.16 ***Very Special Circumstances***

As with previous Green Belt policy inappropriate development is harmful to the Green Belt and paragraph 87 of the Framework states that it should not be approved except in very special circumstances.

9.17 The applicant has not specifically put forward any very special circumstances that are required to outweigh the above mentioned harm and none are evident to the Local Planning Authority upon consideration of this development.

2. The quality of the design and the impact on the character and appearance of the area (D1 & D2 & RA10 & NPPF)

9.18 Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and surrounding area. In addition, Chapter 7 of the National Planning Policy Framework (NPPF) emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

9.19 The application building is a detached garage with first floor accommodation located immediately adjacent to the host dwelling (Wyndham Cottage). The application site itself is located in an isolated rural area, surrounded by open fields, and the nearest neighbouring building is in excess of 120m away from the site.

9.20 The use of the garage is part workshop and part accommodation. Both of these uses are ancillary to the residential use at the site. As there is an ancillary accommodation use there are existing residential features within the garage (windows at ground and first floor level and rooflights).

- 9.21 The proposed development would result in the insertion of a front window and door to the garage. Given that there are existing residential features within the garage, the proposal would not significantly alter the design and appearance of this building. Additionally, given the existing residential use at the site and that the garage is already used as ancillary accommodation and would not result in a change of use of any land to residential, it is not considered that the development would result in a significant material change, in terms of intensification of residential use, at the site.
- 9.21 Taking all of the above into account, it is considered that, though the proposal would result in additional features (residential paraphernalia, cars parked at the site etc...) that would contribute to the urbanisation of the site, given that the majority of these features would be contained within land in existing residential use, this would not be of a scale that would result in significant and demonstrable harm to the immediate and wider surrounding rural area. On this basis, it is also considered that there would not be a discernible impact on the key discernible landscape features of the West End-Brickendon Wooded Slopes Landscape Character Area, in accordance with Policy RA10.
- 9.22 There would be sufficient space left about the garage so that a new residential unit would not appear cramped or overdeveloped at the site. Furthermore, though the proposal would result in an unusual relationship between the application building and Wyndham Cottage, these buildings are located in an isolated area where there is no prevailing spatial pattern of residential development. As such, though not ideal, it would not be reasonable to refuse the application on these grounds alone.
- 9.23 Having regard to all of the above, it is considered that the proposal would not result in significant harm to the immediate vicinity and wider surrounding rural area. As such, the proposed development complies with saved policies D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and Section 7 of the NPPF.

3. The potential impact on the residential amenity of adjoining neighbours (D1, R19, SDG and NPPF)

- 9.24 Policies D1, R19 and the Supplementary Design Guidance aim to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 9.25 The detached garage projects approximately 7m beyond the principal elevation of Wyndham Cottage at a distance of approximately 2.7m. The garage is approximately 6m in height. The only alteration to the garage would be the insertion of a window and door to front.
- 9.26 Though the proposed garage to be converted to a residential unit would be visible from ground floor habitable room windows at Wyndham Cottage, it is considered that, as this structure already exists and future occupiers of Wyndham Cottage would have the choice to purchase the dwelling or not, the

proposed development would not result in significant harm to the living conditions of the occupiers of this existing dwellinghouse, in terms of overbearing and loss of light. Furthermore, given that views from the converted garage of the private rear amenity space which benefits Wyndham Cottage would be restricted, it is considered that the privacy of this existing unit would be preserved.

- 9.27 Turning to the amenity that the converted garage would afford future occupants, it is noted that this new dwellinghouse would be approximately 4.5m away from the access road. Though this building is within close proximity of this road, given the isolated location of the application site, it is not considered that there would be significant vehicular movements along this road. As such, there would be significant and demonstrable harm to the living conditions of the occupants of this converted garage, in terms of noise and disturbance. Furthermore, the external amenity space which would benefit the converted garage is considerable in size and acceptable in this regard.
- 9.28 However, there are two first floor side facing windows within the north western elevation of Wyndham Cottage that serve bedrooms. The first floor window towards the rear of this property within this elevation would be approximately 3.6m away from the rear elevation of the converted garage and would afford direct views of primary private rear amenity space which would benefit the converted building. This would significantly and demonstrably harm the living conditions of the occupiers of the converted garage, in terms of overlooking.
- 9.29 Having regard to all of the above, it is considered that the development would not detrimentally impact upon the living conditions of the occupiers of surrounding neighbouring units, in terms of overbearing, overshadowing and overlooking. However, though the development is in accordance with policy R19, a side facing habitable room window within the north western elevation of Wyndham Cottage would afford direct views of the private amenity space which would benefit the proposed unit. As such, the development fails to provide satisfactory living conditions for future occupiers, in terms of privacy. The proposal is, therefore, contrary to saved policies D1, the Supplementary Design Guidance and the relevant paragraphs of the NPPF.

4. Other Material Planning Considerations

- 9.30 *i) Highway Safety and Parking Provision (M14 & NPPF)*
Paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the framework and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only.

- 9.31 The proposed development would afford a minimum of one off road parking space in association with the converted building. Given the scale of the proposal, it is considered that this is acceptable. Furthermore, there would be an area to the rear of the proposed unit to allow for the secure storage of bicycles.
- 9.32 It is acknowledged that the proposal would result in the loss of a garage used in association with the proposed development. However, with regards to the above discussion, this garage is currently not used for parking and Wyndham Cottage benefits from existing off road spaces. Taking this and the above into account, it is considered that parking provision at the site would be acceptable.
- 9.33 Turning to highway safety, though Hertfordshire County Council Transport, Programmes and Strategy have not been consulted, the proposed development would not result in the creation of any new access at the site and additional vehicular movements in association with the conversion are likely to be minimal. As such, it is considered that any increase in vehicular movements as a result of the proposal could be accommodated within the immediate highway network and the proposal is acceptable in terms of highway safety.
- 9.34 *ii) Refuse and Recycling Storage (D1 & IM2 & M4)*
The Council has adopted a Supplementary Planning Document 'Planning Obligations' which may require a development to provide financial contributions for new bins and recycling facilities. Given the scale of the proposed development a financial contribution is not required. Furthermore, given there is an existing waste service for Wyndham Cottage, it is considered that waste in association with the proposed unit can be incorporated into the existing waste and recycling service. The development is, therefore, acceptable in terms of refuse and recycling, having regard to policies D1, IM2 and M4.

5. Principle of development with regards to sustainability (SD1, R1, H1, H2, GBSP1, GBSP2 National Planning Policy Framework (NPPF))

- 9.35 Environmental
With regards to the Development Plan, the proposal is considered to be located on previously developed land, in accordance with policy R1. However, policy SD1 states that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. This is consistent with the 'golden thread' running through the NPPF is the presumption in favour of sustainable development (para. 14). The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependant (paras. 7-8).
- 9.36 The application site is located in an isolated rural location, approximately 1.4km to the south west of Essendon and over 2km from the settlement of

Brookmans Park. There are no services and facilities within the immediate area and there are no bus stops or other public transport services within the immediate vicinity. Occupiers of the proposed units would therefore have to travel to and from the site by car to facilities and services in surrounding larger urban areas. The development is, therefore, environmentally unsustainable in this regard.

9.37 As discussed in sections above, there is also a current and emerging strategy that seeks to channel development towards larger urban areas, which are more sustainable, and away from more rural locations. To allow this kind of residential development would, therefore, encourage an unsustainable pattern of development that is contrary to this aim. This undermines the Council's strategic objectives as to where it wants to locate development and is contrary to policies H1, H2, GBSP1 and GBSP2.

9.38 Social

In favour of the scheme is the contribution to the Borough's housing stock and the possibility of a local resident remaining within the area. However, given that the Local Planning Authority have a five year housing land supply, the proposal would encourage an unsustainable pattern of development and that there is no agreement in place to secure this building for residents of the local community, limited weight is afforded to this.

9.39 Economic

There are only very limited economic benefits associated with the actual conversion of the garage.

9.40 Conclusion

In conclusion, the proposal represents unsustainable development and so it is not necessary to go on to consider paragraph 14 of the Framework. The development is contrary to policy SD1 of the Plan and, therefore, the proposal should be refused on these grounds as the presumption in favour of sustainable development only applies to development which has been found to be sustainable (this is outlined in case law Davis and Jelson v SoS for CLG).

10. Conclusion

11.1 In conclusion, the proposal has been found to be unsustainable, with regards to environmental, social and economic factors.

11.2 The proposal would cause harm to the Green Belt by reason of inappropriateness. It would also fail to assist in urban regeneration, conflicting with one of the five purposes of including land within the Green Belt. To these factors the Planning Authority attaches substantial weight.

11.3 Additionally, a side facing habitable room window within the north western elevation of Wyndham Cottage would afford direct views of the private amenity space which would benefit the proposed unit. As such, the

development fails to provide satisfactory living conditions for future occupiers, in terms of privacy.

- 11.4 The proposal would contribute to the housing stock of the Borough and may result in an existing resident staying within the local community. However, given the unsustainable nature of the proposal and as there is no means of securing the converted unit for local residents in the long term, the benefits in this regard, even if there were a legal agreement in place to secure the building as a dwelling for local residents, are not considered to be of sufficient weight to outweigh the identified harm.
- 11.5 Taking all matters into consideration, the considerations in support of the proposal do not outweigh, let alone clearly outweigh the harm that arises. The very special circumstances that are therefore required to outweigh identified harm do not exist.

11. Recommendation

- 11.1 It is recommended that planning permission be refused for the following reasons:

1. By virtue of its location and its remoteness from existing services and facilities and, in particular, from existing infrastructure in the area, the proposal is contrary to the settlement strategy of the Council and represents an environmentally unsustainable form of development. This is not outweighed by the limited economic and social benefits associated with the proposal. As such, the proposal is contrary to Saved Policies SD1, H1, H2, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and the 'golden thread' of the National Planning Policy Framework which seeks to achieve sustainable development.

2. An existing first floor side facing window serving a habitable room in the north western elevation of the property known as 'Wyndham Cottage' would afford direct views of primary private amenity space which would benefit the proposed unit. This would substantially harm the living conditions of the occupiers of the proposed unit, in terms of loss of privacy. As such, the development would fail to represent high quality design and would not provide appropriate living conditions for future occupiers of the unit. The development is therefore contrary to saved policy D1 of the Welwyn Hatfield Development Plan 2005, the Council's adopted Supplementary Design Guidance (statement of Council Policy) 2003 and the National Planning Policy Framework.

Matthew Heron, (Strategy and Development)

Date

Expiry Date:

Extension Date: