

WELWYN HATFIELD  
PLANNING  
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No: 56/2009/1726/FP



**PLANNING, DESIGN & ACCESS STATEMENT**  
**CONSTRUCTION OF BASEMENT LEVEL TO PROVIDE**  
**WORKSHOPS, GARDEN STORAGE SPACE AND**  
**CAR PARKING FOR THE STORAGE OF PRIVATE CARS**

for

**MR McINERNEY**

**SITE AT**

**HIGH TREES, LEGGATTS PARK,**  
**GREAT NORTH ROAD, LITTLE HEATH,**  
**POTTERS BAR EN6 1NZ**

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**1.0**            **THE PROPOSAL**

**1.1**            The application seeks the construction of a basement area located beneath and beyond the footprint of the garage to be constructed in conjunction with the replacement dwelling on the site. The total extent of the basement does not fall outside the existing residential curtilage of the site.

**1.2**            The applicant is well aware that the Council by way of condition and S106 Agreement has sought to restrict the amount of new buildings associated with the Leggatts Park development. The purpose of this restriction is to ensure that the amount of new building in the Green Belt is severely restricted. This includes the removal of Permitted Development rights which; in other circumstances (including existing dwellings in the Green Belt) they would be entitled to.

**1.3**            In the light of these restrictions, the applicant has chosen to create the floorspace he requires to meet his needs within a large basement area. The space proposed is multi functional, providing workshop space for the applicants hobbies, storage space for the garden machinery and equipment required to maintain his extensive area of land and; additional storage for his car collection. All of these uses can be contained in the basement in a practical and useable way without the need to provide any additional buildings on the site, thereby not conflicting with the Council's aims.

**1.4**            The basement has a proposed internal area of 484.5sqm and is entirely below ground. Vehicular and utility access will be achievable by way of a car lift installed in one of the garage bays which will enable cars etc to be transported in and out of the basement area.

**1.5**            Pedestrian access will be via a lobby into the below ground area of the main dwelling.

## **2.0 BACKGROUND**

**2.1** The application site benefits from planning permission granted in October 2008 (LA Ref: S6/2008/1682/FP) for the replacement of the existing house "High Trees" with a new detached dwelling and garage.

**2.2** A subsequent application proposing modifications to the approved scheme (Ref: S6/2009/728/FP) was granted planning permission on the 17<sup>th</sup> June 2009.

## **3.0 THE SITE**

**3.1** The application site is located within Leggatts Park, a large area of former "Parkland" associated with the now demolished Leggatts Park Mansion. Leggatts Park is located a short distance to the north of Potters Bar and to the South of Brookmans Park.

**3.2** Access is through a gated entrance on the eastern side of the A1000 North Road. The access into the Park is a private road which serves The Lodge and five further substantial detached houses.

**3.3** The application site extends to approximately 0.4 hectare which is currently domestic garden and contains the house and garages. The applicants' ownership, however, extends beyond this to the north and west of the garden into an area of woodland, approximately 2 hectares in total.

**3.4** The existing garden area is relatively flat and featureless and contains no trees. The proposed new access will skirt the woodland area to the west of the site on the edge of the garden.

## **4.0 PLANNING POLICY**

**4.1** The site is located within the Green Belt. Planning policy relevant to the application is contained in the saved policies of the Welwyn Hatfield District Plan 2005 which are predicated upon Central Government Guidance as contained in PPG2 - Green Belt (1995).

- 4.2 The replacement dwelling, the subject of the appeal was approved pursuant to District Plan Policy RA4 ~ Replacement Dwellings in the Green Belt.
- 4.3 The garage was approved as a part of the original application.
- 4.4 The current proposal for an entirely below ground Basement does not fit easily with the Policies of either the Welwyn Hatfield District Plan or PPG2, both of which are primarily concerned with buildings and uses that would conflict with the principles of including land within the Green Belt.
- 4.5 Paragraph 1.4 of PPG2 states that:

*"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belt is their openness."*

*(my underlining)*

- 4.6 With this in mind, paragraph 3.1 of the PPG sets out a general presumption against development in the Green Belt. A number of exceptions are made to this general rule for *inter alia* buildings and in this respect it is against paragraph 3.6 that the original replacement dwelling was judged to be acceptable.
- 4.7 The current application does not propose any new residential floorspace and does not increase the size of the approved replacement dwelling or garage. It is, however, "*development*" and in this regard paragraph 3.12 of PPG2 gives clarity:

*"The statutory definition of development includes engineering and other operations and the making of any material change in use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt."*

*(my underlining)*

**4.8** Clearly a structure, built entirely below ground, as in this case, which has no buildings associated with it, where the access and exit to the space is entirely located within an approved building, will have no effect whatsoever on the fundamental aim of maintaining the openness of the Green Belt.

**4.9** There are five stated purposes for including land in Green Belts, set out in paragraph 1.5 of PPG2. These are:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns from 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.

**4.10** The development as proposed does not as a matter of fact conflict with the 5 stated purposes of including land within the Green Belt. As a consequence, therefore, the use of the land in the manner proposed by this planning application is not inappropriate development in the Green Belt and is in accordance with Government Guidance as clearly set out in paragraph 3.12 above.

## **5.0** DESIGN

**5.1** There are no design considerations to be considered as a consequence of the proposal.

**5.2** The garage/workshop area will, of course, need to be provided with services including ventilation. This will be considered as a part of the services contract designed to deal with the replacement house and its basement area. However, this will be custom designed to ensure minimal impact.

## **6.0** ACCESS

**6.1** There are no access considerations attached to this proposal.