

PLANNING FILES

SPIKE ISLAND, HORNBEAM LANE,

S6/652/89

1/4

ESSENDON.

S6/652/89

LOCATION: Spike Island
Homebeam Lane, Essendon
DESCRIPTION
Demolition of existing
house & construction of
replacement dwelling.
DECISION Refusal
APPEAL 18.8.89

NO PLANS

A2

A3

A4

A4

A3

A2

S6/652/89

LOCATION: Spike Island /
Hornebean Lane, E. Seaton

DESCRIPTION

Demolition of existing
house & construction of
replacement dwelling.

DECISION ~~refusal~~

APPEAL 18.8.89



WELWYN HATFIELD COUNCIL

Planning and Development Services

Tony Moore, Director

S6/0652/89/OP

23rd August 1989

Dear Sir/Madam,

RE: Demolition of existing house and construction of replacement dwelling at 'Spike Island', Hornbeam Lane, Essendon.

In connection with your application to carry out the above proposal, I enclose a refusal notice under the Town and Country Planning Acts.

Information regarding your right to appeal against this decision is contained in the Notes on the reverse of the Decision Notice.

Yours faithfully,

A.F. Moore.
Director of Planning and Development Services

Vincent and Gorbing Plan. Assoc.
Sterling Court, Norton Road,
Stevenage
Herts SG1 2JY

INTERNAL CONSULTATION

Date: 25-7-89

Application No: 36/652/89

Subject: Replacement Dwelling, Spike Island,
Hornbeam Lane, Essendon(1) Stuart Bell - Assistant Engineer

No Objections - If you were to approve, I would request that the 'established property boundary' beyond the site ownership line is removed from the application.

Signature:

S Bell

Date:

9.8.89

REFERENCE SHEET

Location Spire Island App No. S6 / 0652 / 89 / OP / 1
 (Formerly Meadow Cottage) N6 FPOB*
Hornbeam house, Essendon S6 No. Yr DELB DC
 Proposal Demolition of existing house and construction CAAD CC
of replacement dwelling Dated 11-7-89 CCDT GD
 Recd 14-7-89
 Applicant B K Mackend Expires 8-9-89
 Case Officer CE PS1/PS2 DW
 Ward Hallfield East BR App No / Del/Cttee
 Map Ref 67 OS EM App No /
 Grid Ref 273-063 Advert Code

Listed Building X/N Mineral Workings X/N Green Belt Y/N
 Conservation Area X/N Airfield Direction Y/N Road Class (TABCU) C
 Article 4 Dir X/N Section 52 X/N 60m Trunk Road X/N
 TPO's Y/N Area Special Cntrl Y/N Trunk Sewer X/N
 SSSI/Nature Res X/N Archaeological Site X/N Ancient Monument X/N
 Development Plan Allocation S1B & V1L
S1B, GLV, APTA

Previous Apps	Proposals	Decision	Appeal
<u>1021-88</u>	<u>2 storey side extension with balcony of 1st floor</u>	<u>OP 28-11-88</u>	
<u>861-87</u>	<u>2 storey side extension</u>	<u>OP 20-11-87</u>	
<u>133-84</u>	<u>2 storey extension</u>	<u>13-6-84</u>	<u>Appeal Allowed (26-2-85)</u>
<u>66-80</u>	<u>2 storey side extension</u>		<u>OP 25-2-80</u>
<u>2070-66</u>	<u>Extensions to house</u>		<u>P 22-10-66</u>
<u>1088-86</u>			

Outline Ref. No. _____ Consent Granted _____
 Plotted By JA Date 17/7/89 BR/TP/EM Plans checked by BR TP EM

Comments _____ Fee: Recd £ 152
 Reqd £ 152
Chris Check previous
 applic + correspondence
 carefully. Probably need to consult Solicitor

Internal Consultations

Environmental Health	Y/N	/	/	Local Plans	Y/N	/	/
Highways	Y/N	/	/	Housing	Y/N	/	/
Drainage	Y/N	/	/	Parks	Y/N	/	/
Estates Officer	Y/N	/	/	Solicitor	Y/N	/	/

FILE REFERENCE SHEET

APPLICATION NO.: S6/0652/89/OP

EXPIRES 8th September 198 ~~CTTEE/DBT~~

LOCATION: 'Spike Island', Hornbeam Lane, Essendon.

CASE OFFICER ...CE...

PROPOSAL: Demolition of existing house and construction of replacement dwelling

CONSULTATIONS:

	<u>SENT</u>	<u>RECD</u>		<u>SENT</u>	<u>RECD</u>		<u>SENT</u>	<u>NO RECD</u>
CPO	.		HOUSING	.		NEIGHBOURS	None affected	
COS	.		HIGHWAYS	. 25-7-89/9-8-89		CHECKED	✓	
TWA	.		SOLICITOR	.				
EAG	.		FORESTRY	.				
EEL	.			.				
AFF	.			.				

The site is designated in the Welwyn Hatfield District Plan as Metropolitan Green Belt wherein it is the policy of the Local Planning Authority not to allow development unless it is required for agriculture or unless there is some other reason why permission should be granted. In this instance the house has been greatly extended in the past and consent for a further extension is outstanding, all of which would provide ~~very~~ ^{adequate} amenities for the dwelling. The proposed new dwelling would be considerably larger than the extended house, in a more prominent position to the detriment of the visual amenity and character of the area and contrary to the aims of the above policy.

CONTINUATION SHEET

Ref.....S6/652/89
Week No.....

Cond No	SC No.	
		<p>This proposal is to demolish the existing house and to replace it with a much larger house taking account of two previous consents that were given in the past for extensions to the house. Until 1964 the house on this site was 86 sq metres. Various extensions took place which increased the house to 294 sq metres.</p>
		<p>In April 1984 we refused an extension of 103 sq metres on Green Belt Grounds but subsequently this was won on appeal. It was later found that this ^{extension} application could not be built as part of it is on a highway land outside the curtilage of the property.</p>
		<p>An application for an extension of exactly the same size was therefore submitted in 1987 to be constructed on the opposite side of the house. At the time the agents stated that "our client's intention is that this application should be treated as an alternative to the existing permission".</p>
		<p>Bearing in mind the D.O.E.'s decision on the original extension, consent was given to this new proposal on 20 November 1987.</p>
		<p>Detailed drawings were approved 28 January 1988. This extension plus the existing would have brought the total floor area up to 397 sq metres.</p>
		<p>This new outline application is in respect</p>

-END/PTO



Welwyn Hatfield District Council

Council Offices Welwyn Garden City Herts AL8 6AE
Telephone Welwyn Garden 331212 (STD Code 0707)
Facsimile (0707) 328640

Department of Planning
and Development

TONY MOORE
Director

Please ask for:

On 86/0652/89/OP

Your Ref:

18th July 1989

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACTS 1971 - 1985
Town and Country Planning General Development Order 1977 -
Article 7

RE: Demolition of existing house and construction of replacement
dwelling at 'Spike Island', Hornbeam Lane, Essendon.

Your application was received on 14th July 1989. Examination of
the application form and accompanying plans and documents to
ascertain whether your application complies with the statutory
requirements has not been completed.

If on further examination it is found that the application is
invalid for failure to comply with such requirements (or for any
other reason) a further communication will be sent to you as soon
as possible.

If by 8th September 1989 you have not received notification that
your application is invalid and the authority dealing with your
application have not given you notice of their decision (and you
have not agreed in writing that the period within which their
decision shall be given may be extended) you may appeal to the
Secretary of State in accordance with Sections 36 and 37 of the
Town and Country Planning Act 1971 by notice sent within six
months from that date (unless the application has already been
referred by this authority to the Secretary of State for the
Environment). Appeals must be made on a form which is obtainable
from the Department of the Environment.

Yours faithfully,

A.F. Moore.
Director of Planning and Development

Vincent and Gorbing Plan. Assoc.
Sterling Court, Norton Road,
Stevenage
Herts SG1 2JY

D.C.1

PLANNING AND DEVELOPMENT DEPT.

14 JUL 1989

TOWN AND COUNTRY PLANNING ACT 1971
APPLICATION FOR PLANNING PERMISSION
OR FOR APPROVAL OF RESERVED MATTERS

SC/652/89

This form should be submitted in triplicate with six copies of the plans (see notes 2 & 3 of the notes for guidance) and the appropriate Section 27 certificate.

I/WE HEREBY APPLY TO THE DISTRICT COUNCIL FOR PLANNING PERMISSION/ APPROVAL OF RESERVED MATTERS IN RESPECT OF THE DEVELOPMENT SPECIFIED IN THIS APPLICATION AND THE PLANS ACCOMPANYING IT.

Signed J. K. Boyd J. K. Boyd
for Vincent and Gorbing
On behalf of G. K. MacLeod.....(if acting as agent)

Date 11th July 1989.....

PART I - GENERAL PARTICULARS - TO BE COMPLETED IN EVERY CASE

<p>1. <u>APPLICANT</u>(Block letters please)</p> <p>Surname: G. K. MacLeod</p> <p>Other Names:</p> <p>Address: 'Spike Island' Hornbeam Lane Essendon</p> <p>Tel.No:</p>	<p><u>AGENT</u>(if any)to whom correspondence will be sent</p> <p>Name: Vincent and Gorbing Planning Associates</p> <p>Address: Sterling Court Norton Road Stevenage Herts, SG1 2JY</p> <p>Tel.No: 0438 316331</p>
<p>2. For what are you seeking permission or approval? (Please give a full description of the proposals and the purposes for which the land and/or buildings are to be used. If your proposal involves residential development please specify the number and type(s) of residential units)</p>	<p>Demolition of existing house and construction of replacement dwelling</p>
<p>3. Address or location of the land or buildings involved in the application</p>	<p>'Spike Island' (formerly Meadow Cottage), Hornbeam Lane, Essendon</p>
<p>4. Is the application accompanied by a fee? (See note 4 of the notes for guidance of applicants and the schedule of current fees). If NO, please indicate your reason for not doing so.</p>	<p>YES/NO <u>Yes</u> If yes state amount £ 152.00</p> <p style="text-align: right;">Cheque NO 000025</p>
<p>5. What is the area of the whole of the site involved in the application?</p>	<p>_____ sq.metres or <u>0.19</u> hectares</p>
<p>6. Does the applicant own or control any adjoining land?</p>	<p>YES/NO If yes, identify by blue colouring on the site plans.</p>

<p>7.(a) What is the applicants interest in the land or building(s)? e.g. owner, prospective purchaser, lessee, weekly tenant etc.</p> <p>(b) When was that interest obtained?</p> <p>(c) If the applicant is a lessee, how many years of the lease remain?</p>	<p>(a) Freehold owner</p> <p>(b) 1979</p> <p>(c) N/A</p>										
<p>8. ANSWER THIS QUESTION YES OR NO Does your proposal involve the erection or extension of a building.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>If NO, go straight to question 12 If YES, please answer all of the following questions.</p>										
<p>9. ANSWER THIS QUESTION YES OR NO Is the application one for the approval of matters reserved by an earlier outline planning permission</p>	<p><input type="checkbox"/> No</p> <p>If YES, indicate the date and number of the outline permission.</p> <p>Date _____ Ref.No. _____</p>										
<p>10. ANSWER THIS QUESTION YES OR NO Does this application seek outline permission only?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>If NO, all of the details 1-5 below must be included for the application to be accepted.</p>										
<p>11. Please indicate which of the following details are included in this application and which are not.</p> <table border="0"> <tr> <td>1. Siting of the building(s)</td> <td>included/not included</td> </tr> <tr> <td>2. Design</td> <td>included/not included</td> </tr> <tr> <td>3. External appearance (including materials)</td> <td>included/not included</td> </tr> <tr> <td>4. Means of access</td> <td>included/not included/none proposed</td> </tr> <tr> <td>5. Landscaping (N.P. includes walls and fences - see Note 1 of the notes for guidance for definition)</td> <td>included/not included/none proposed</td> </tr> </table>		1. Siting of the building(s)	included/ not included	2. Design	included /not included	3. External appearance (including materials)	included /not included	4. Means of access	included/ not included / none proposed	5. Landscaping (N.P. includes walls and fences - see Note 1 of the notes for guidance for definition)	included /not included/ none proposed
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4. Means of access	included/ not included / none proposed										
5. Landscaping (N.P. includes walls and fences - see Note 1 of the notes for guidance for definition)	included /not included/ none proposed										
<p>12. ANSWER THIS QUESTION YES OR NO Is your application one for the renewal of a permission previously granted for a temporary period? (See Note G(iii) of the schedule of fees)</p>	<p><input type="checkbox"/> No</p> <p>If yes, indicate the date and reference of the previous permission.</p> <p>Date _____ Reference _____</p>										
<p>13. (a) For what purpose(s) are the land and/or buildings now used? (Give details if more than one use and if in residential use, state number of units). (b) What is the total floor area of the existing buildings? (c) If land/buildings vacant, what were the last known uses and when did those uses cease?</p>	<p>(a) Residential</p> <p>(b) 530 sq.metres (house & 2 No extensions)</p> <p>(c) N/A</p>										

14. Do the proposals involve: State Yes or No

- (a) New buildings other than extensions to an existing building? Yes If YES, state the floorspace proposed 530 sq metres (see Note 4 of Notes for Guidance)
- (b) Change of use of land? No If YES, state the area involved _____ sq.metres
- (c) Change of use of buildings? No If YES, state the floorspace involved _____ sq.metres
- (d) An extension to an existing building? No If YES, state the floorspace of
1. Existing _____ sq.metres
2. Extension _____ sq.metres
- (e) The demolition of any existing building or part of a building? Yes If YES, state the floorspace demolished _____ sq.metres and/or the number of dwelling units lost 1

15. What number of cars can be garaged or parked on the site at present and what total number is proposed in this application	Existing Proposed Total	Garage	Parking
		2	several as existing

16. How is access to be obtained to the site for:
- (i) Pedestrians?)
) From Hornbeam Lane as existing
- (ii) Vehicles?)
17. If the proposal involves alteration of an existing access, please specify those alterations
- (i) Pedestrians? N/A
- (ii) Vehicles?

Access arrangements should be clearly shown on the submitted plans.

18. How will sewage and rain water disposal be dealt with?	Sewage - As existing septic tank Rain water - and soakaways
19. Will any existing trees be felled or lopped or existing hedges removed? (delete as applicable)	YES /NO. If YES, please indicate all work on submitted plans and give brief details below:
20. What materials (type & colour) are to be used in the external appearance of walls, roofing and fences?	Walls -) Re-use of existing materials where possible and new materials to match existing Roofing) Fencing/means of enclosure N/A

**PART 2: ADDITIONAL INFORMATION REQUIRED IN RESPECT
OF INDUSTRIAL, COMMERCIAL, SHOPPING OR OFFICE PROPOSALS**

<p>21.(a) State name(s) of firm(s) who will occupy the site. If unknown at this time, indicate NOT KNOWN</p> <p>(b) If a firm is named, is it already established at the site subject of this application. State YES or NO.</p> <p>(c) If NO, give present address and state the intentions in respect of the premises that are to be vacated.</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p>																				
<p>22. Give details of the existing floorspace and of the total proposed floorspace (including any of that which is existing and which is to be retained) in the following uses:</p> <p>(a) All floorspace of all buildings on the site</p> <p>(b) Industrial floorspace</p> <p>(c) Office floorspace</p> <p>(d) Retailing floorspace</p> <p>(e) Storage</p> <p>(f) Warehousing (see schedule to the Town and Country Planning (Use Classes) Order).</p> <p>(g) Remaining floorspace not falling within (a)-(f)</p>	<p>In this question, floorspace means gross floorspace as defined in note 4 of the Notes for Guidance of Applicants.</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%; text-align: center;">Existing</td> <td style="width:50%; text-align: center;">Proposed (including retained floorspace)</td> </tr> </table> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(f)</p> <p>(g)</p>	Existing	Proposed (including retained floorspace)																		
Existing	Proposed (including retained floorspace)																				
<p>23. In respect of an industrial or commercial premises describe:</p> <p>(a) the process to be carried on, the end product and the type of plant or machinery to be installed.</p> <p>(b) the specific function of the proposed building in relation to the processes in (a)</p>	<p>(a)</p> <p>(b)</p>																				
<p>24. How many people are employed on the site now and what total do you anticipate will be employed if the development proceeds? Please specify any other activities.</p>	<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2" style="text-align: left;">Existing</th> <th colspan="2" style="text-align: left;">Total Proposed</th> </tr> <tr> <th style="width:25%;">Male</th> <th style="width:25%;">Female</th> <th style="width:25%;">Male</th> <th style="width:25%;">Female</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td style="text-align: left;">Office</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: left;">Industry</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Existing		Total Proposed		Male	Female	Male	Female			Office				Industry					
Existing		Total Proposed																			
Male	Female	Male	Female																		
		Office																			
		Industry																			
<p>25. What is the type, volume and proposed means of disposal of any trade effluents and refuse.</p>																					
<p>26. Will any materials be kept or produced of a toxic, flammable, explosive or otherwise potentially hazardous nature. If YES, state materials and approximate quantities.</p>																					



VINCENT AND GORBING
PLANNING ASSOCIATES
CHARTERED ARCHITECTS AND TOWN PLANNERS


TOWN AND COUNTRY PLANNING ACT 1971

CERTIFICATE UNDER SECTION 27

CERTIFICATE A

I hereby certify that:-

1. At the beginning of the period of 21 days ending with the date of the accompanying application nobody, except the applicant, was the owner of any part of the land to which the application relates:
2. None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed 
For Vincent & Gorbing Ltd

On behalf of G. K. Macleod

Date 11th July 1989

STERLING COURT, NORTON ROAD, STEVENAGE, HERTS. SG1 2JY TELEPHONE: 0438 316331 FAX: 0438 722035

DIRECTORS: DM RIXSON FRATRIS FELGATE HAMPTON GFD EWAN D FARRINGTON BA M GOMES FRACRIB BA P GRIMMER DRAGONER BA COMPANY SECRETARY: A RODGER
VINCENT AND GORBING PLANNING ASSOCIATES LTD IS A SUBSIDIARY OF VINCENT AND GORBING LTD REGISTERED AT NORTON ROAD, STEVENAGE. REG. NO. 2164304



DCA
S

VINCENT AND GORBING
PLANNING ASSOCIATES
CHARTERED ARCHITECTS AND TOWN PLANNERS

JKB/LD/3071

11th July 1989

6/652/89

Director of Planning
Welwyn Hatfield District Council
The Council Offices
Welwyn Garden City
Herts
AL8 6AE

PLANNING AND
DEVELOPMENT DEPT
14 JUL 1989

Dear Sir

**PLANNING APPLICATION ON BEHALF OF MR G. K. MACLEOD FOR DEMOLITION OF
EXISTING HOUSE AND CONSTRUCTION OF REPLACEMENT DWELLING**

Please find enclosed our client's planning application for outline permission for the above proposed development. The application documents consist of the following:

1. Planning application form (three copies) dated 11th July 1989.
2. Certificate A under Section 27.
3. Location Plan (six copies) at 1:1250 and 1:10,000 scales, drawing No 3071/102.
4. Site plan (six copies) at 1:50 scale, drawing No 3071/101.
5. Planning application fee of £152.00.

The development now proposed is preceded by a long planning history associated with several proposals to extend the existing dwelling house.

You will be aware that currently there are two valid planning approvals relating to extensions at either side of the existing house on which a start has been made in relation to their construction. The gross floorspace of the existing house (330 sq.m.) and the two extensions (84 sq.m. net and 117 sq. m.) now implemented results in an overall floorspace of 530 sq.m.

Cont'd ...

STERLING COURT NORTON ROAD STEVENAGE HERTS SG12JY TELEPHONE: 0438 316331 FAX: 0438 722035

DIRECTORS: DR RIXSON FATH JS FELGATE HAMATH GFD EWAND PARCHHONOR BA M GOMMEY ARCHER BA P GRIMMER G ARCHER BA COMPANY SECRETARY: A RODGER
VINCENT AND GORBING PLANNING ASSOCIATES LTD IS A SUBSIDIARY OF VINCENT AND GORBING LTD REGISTERED AT NORTON ROAD STEVENAGE REG NO 2184304

We have submitted an illustrative layout for the re-siting of a detached house on the existing residential curtilage (drawing No 3071/101). Whilst this drawing is for illustrative purposes only it does demonstrate a possible siting for a two storey house with a footprint of about 265 sq.m.

Although the re-siting of the dwelling will involve a complete re-organisation of the existing residential curtilage, including the loss of the existing swimming pool, we believe that the proposed development will not have a serious detrimental impact on the Green Belt in this locality, the dwelling giving rise to no further impact than the existing house and the permitted extensions on the site.

In our opinion the principles of the Green Belt will in no way be undermined and no demonstrable harm to any interest of acknowledged importance is likely to result.

Our client is willing to discuss further options for re-siting this property with officers of Welwyn Hatfield District Council and we will be happy to meet you to discuss the merits of the proposal.

We look forward to your Committee's early considerations of the application and if we can assist further please contact us.

Yours faithfully



J. K. Boyd
for Vincent and Gorbing

c.c. G. K. MacLeod
D. A. Raine - Murgatroyds

Mr. Everard *STF*
CDE/NK/S6/133/84

Vincent & Goring,
Southgate House,
Town Centre,
STEVENAGE,
Herts.
SGL 1HH

18 AUG 1987

For the Attention of Mr. Felgate

Dear Sirs,

SPIKE ISLAND, HORNBEAM LANE, ESSENDON

With reference to your letter of 14th July and to your recent telephone conversation with my Assistant Mr. Everard, I now set out my thoughts on this matter.

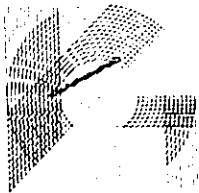
I appreciate the problems that your Client is experiencing with regard to the proximity of the bridle path but the new position at the house is much more than was envisaged by earlier discussions. These indicated that the house was to be moved over slightly, which in itself was a somewhat unusual proposal.

I understand that you would propose to build to the same place and use as many as the existing materials as possible but I consider that this would amount to the construction of a new house which would be contrary to the Council's Green Belt Policy.

In the circumstances I feel that any application for the resiting of the existing house would be likely to be recommended for refusal.

Yours faithfully,


A.F. MOORE
Chief Planning Officer



Approved
DAK S
No way!
→

Vincent and Gorbing
CHARTERED ARCHITECTS AND TOWN PLANNERS

Southgate House Town Centre
Stevenage Herts SG11HH
Telephone no: Stevenage (0438) 316331
Facsimile no: Stevenage (0438) 722035

JSF/JJ/2226

14th July 1987

Director of Planning,
Welwyn Hatfield District Council,
The Campus,
WELWYN GARDEN CITY,
Herts.



For the attention of Mr. Everard

Dear Sir,

'SPIKE ISLAND' (FORMERLY MEADOW COTTAGE), HORNBEAM LANE, ESSENDON

We refer to the writer's recent discussions with your Mr. Everard concerning the above property.

You will be aware that in 1985 planning permission was granted on appeal for a two storey side extension (ref. C6/133/84). Detailed design work has since been completed and building regulations approval has been obtained, but construction h's been unable to proceed due to an unforeseen problem which has emerged concerning the legal status of the land.

It appears that over the course of time, prior to the commencement of our client's ownership of the land, the property boundary has become established on the line of the mature hedge shown at A-A on the attached plan, which we understand represents something of an encroachment into the area defined as highway land associated with the bridleway, Hornbeam Lane. The existing double garage built many years ago, in fact appears to straddle the boundary of the highway land, and hence the new extension would also infringe this line.

Our client has taken legal advice regarding the prospects of succeeding with an application for extinguishment of the highway, as far as necessary, but we understand that there is felt to be a good deal of uncertainty as to the likely outcome of such an application.

We have also considered the possibility of achieving an equivalent amount of new floor space for the existing dwelling, by means of re-siting the extension or substituting an extension attached to a different face of the building. However, the options for this course of action are very limited, and have all been ruled out due to:

Cont..../2

- i) Proximity to the rear boundary.
- ii) Internal layout and circulation problems
- iii) Proximity to the existing swimming pool
- iv) Problems with the composition of the front elevation of the building. (The appeal proposals were intended to provide a visual balance to this elevation; this would be difficult to achieve if an extension were to take any other form than that already proposed).

We have therefore been asked to investigate the feasibility of re-siting the entire building, by taking down the existing building and reconstructing it in its existing form, but with the addition of the permitted extension, in a new location within the site.

We have indicated on the attached plan the new location which we propose. Rebuilding in this position would represent a move of about 16 metres forward and about 2.5 metres sideways from the existing position. In this position the house will still be some 500 metres from the nearest road, Kentish Lane, and no change in the view from that direction is likely to be detectable.

The intention would be to rebuild to the existing plan and external design, re-using a good many of the existing components where this is practicable. The external appearance would therefore be exactly as it is at present, except for the addition of the new extension for which planning permission exists.

We appreciate that this is at first site an unusual proposal, but we hope that you will see that our client has been driven to consider this option purely as a result of the most exceptional circumstances in which he finds himself. Our client has considered the situation most carefully and believes that this is now the most realistic means of implementing the development which has been permitted. For our part we do not envisage that this proposal would offend any important planning principles, and would in fact result in a more satisfactory development overall than if the extension were to be implemented as already permitted.

We would be grateful for your formal view on whether this is an acceptable solution and how it might best be handled procedurally.

Yours faithfully,



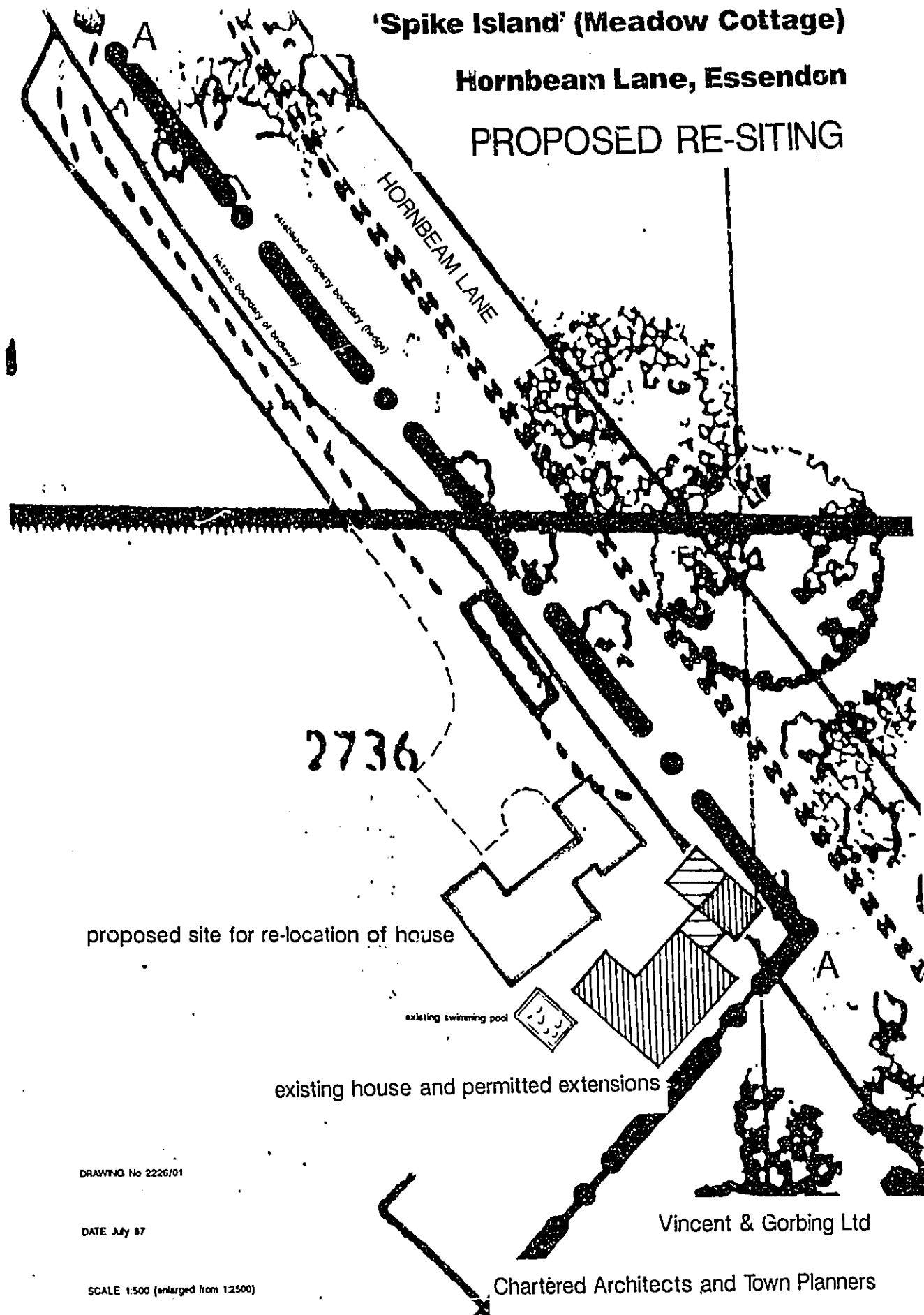
J.S. Felgate
Vincent and Gorbing

cc. G.K. Macleod Esq.

'Spike Island' (Meadow Cottage)

Hornbeam Lane, Essendon

PROPOSED RE-SITING



DRAWING No 2226/01

DATE July 87

SCALE 1:500 (enlarged from 1:2500)

Vincent & Gorbing Ltd

Chartered Architects and Town Planners

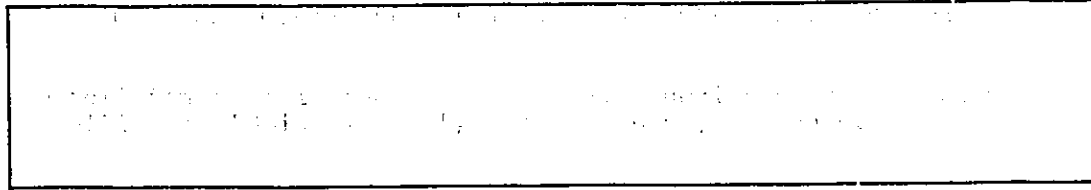
Welwyn Hatfield District Council

Council Offices Welwyn Garden City Herts AL8 6AE
Telephone Welwyn Garden 331212 (STD Code 0707)

DECISION NOTICE

Town Planning Ref. No:
Other Ref. No.:

REFUSAL



101
Widened
Planning Ref. No. 101
Town Planning Ref. No. 101
Other Ref. No. 101

In pursuance of their powers under the Town and Country Planning Act 1990 and the Order and Regulations for the exercise of those powers, the Council hereby refuse the application for a planning permission for the proposed development of a house with a garage and a detached garage on the site of the proposed development.

The reasons for the refusal are as follows:-

- 1. The site is designated as a Green Belt and the proposed development is considered to be inappropriate in the circumstances of the Green Belt. It is considered that the proposed development would be detrimental to the Green Belt and the proposed development would be detrimental to the Green Belt.

Director of Planning and Development

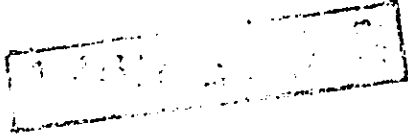
Signed: *[Signature]*

Director of Planning and Development

68/2/89

14 JUL 1989

WELWYN HATFIELD DC



WELWYN HATFIELD DC

TOWN & COUNTRY PLANNING ACT 1990
PLANS REFERRED TO IN COUNCIL RESOLUTION

18 AUG 1989

Date

ex. post and rail fence

tennis court

stable block

HORNBEAM LANE

enhanced landscaping
(later details)

established property
boundary

PROJECT TITLE

SPIKE ISLAND
HORNBEAM LANE
ESSENDON

DRAWING TITLE

PROPOSED RE-SITING OF
DETACHED DWELLING

SCALE

1:500

DATE

6/89

DRAWN

STATUS

PROJECT NO.

3071

LEVEL



VINCENT AND GORB

CHRISTOPHER VINCENT AND GORB
STERLING COURT NORTON ROAD STEVENAGE HER
TELEPHONE: 0438 316331 FAX: 0438 722035

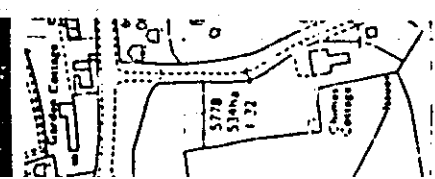
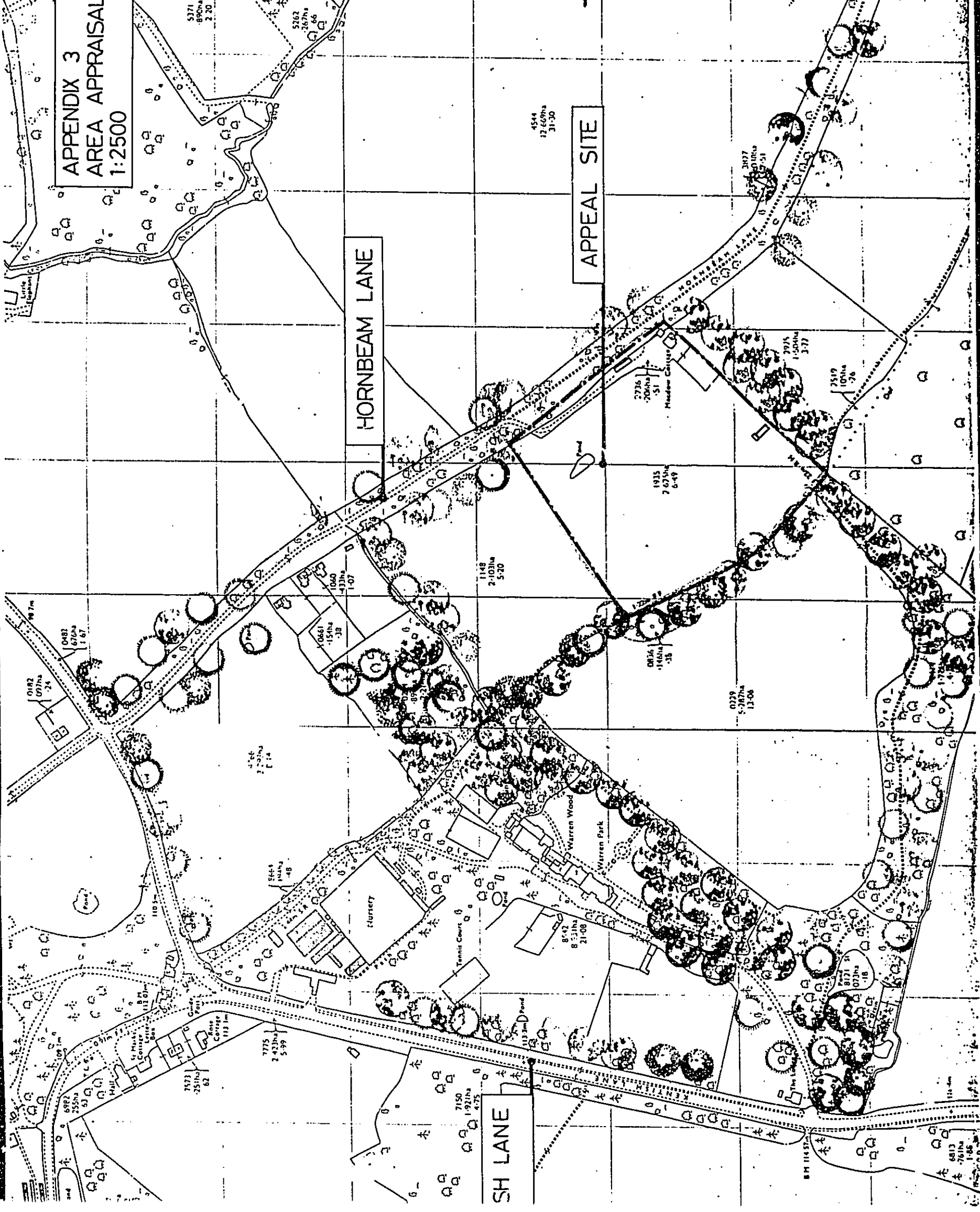
APPENDIX 3
AREA APPRAISAL
1:2500

HORNBEAM LANE

APPEAL SITE

SH LANE

KE



WELWYN HATFIELD COUNCIL

APPEAL BY MR. G.K. MACLEOD AGAINST THE REFUSAL OF THE WELWYN
HATFIELD COUNCIL TO GRANT OUTLINE PLANNING PERMISSION FOR THE
DEMOLITION OF AN EXISTING DWELLING AND THE ERECTION OF A
REPLACEMENT DWELLING AT 'SPIKE ISLAND', HORNBEAM LANE, ESSENDON,
HERTS.

THE WRITTEN STATEMENT OF THE COUNCIL

1.0 REFERENCES

1.1 D.O.E. REF: C1950/A/90/146526

1.2 W.H.C. REF: S6/0652/89/OP

2.0 THE SITE AND ITS SURROUNDINGS

2.1 The appeal site is shown edged in red on the attached plan at Appendix A. It is located some 1.5 miles away from the village of Essendon and is situated off a bridleway (N.18) known as Hornbeam Lane which runs between Cum Cum Hill and Woodfield Lane, in the Parish of Essendon.

The area of the site is 0.19 hectares (0.47 acres) and has an overall frontage to Hornbeam Lane of 40 metres. Hornbeam Lane is an unmetalled road which is a public right of way as shown on the Definitive Map for Hertfordshire and is used frequently by walkers, horse riders, and by car borne visitors to four dwellings including 'Spike Island'. Access by car is only possible up to the south-eastern corner of the appeal site and beyond that point the bridleway becomes rutted and is only able to be used by walkers and horse riders. The existing house on the appeal site is served by a private drive and is a detached two storey dwelling with double garage and swimming pool. The main house is situated in the south-eastern corner of the appeal site, adjacent to the bridleway.

3.0 PREVIOUS PLANNING HISTORY

- 3.1 P/485/64 An application for a two storey rear extension to replace a single storey building was approved on 22nd October, 1964 and has been carried out.
- 3.2 S6/64/80/FP An application for a two storey extension on the south-west side of the dwelling was approved on 25th February 1980 and has been carried out.
- 3.3 S6/133/84/FP An application for an additional two storey extension on the north-east side of the dwelling was refused permission by the Council on 13th April 1984 but then subsequently allowed on appeal by the Secretary of State on 26th February 1985. That extension has not been carried out since it was later established and accepted by the applicant that part of the extensions would have encroached over the bridleway itself onto Highways land and fell outside the residential curtilage of the property. Therefore this extension cannot be legally completed.

(Secretary of State's Decision letter Ref: C1950/A/84/22127/P4) Appendix 'B' to this Statement.

- 3.4 S6/0841/87/OP An application in outline for a two storey side

extension was approved on 20th November 1987. A subsequent application for the approval of reserved matters (S6/1021/88) was granted permission on 28th November 1988. It is considered that this extension was only permitted as an alternative to S6/133/84 which was found not to be able to be legally completed.

4.0 PLANNING POLICIES

4.1 The Approved Hertfordshire County Structure Plan
1986 Review, Approved May 1988

This strategic Statutory Development Plan was approved on 9th May, 1988, and became operative on 31st May, 1988. It includes specific policies for the control of development within the Metropolitan Green Belt; in Areas of Landscape Conservation, and in specified and unspecified settlements located within the Metropolitan Green Belt. These policies, numbered 1; 6; 50 and 51; are set out in Appendix 'C' to this Statement and will be referred to later. The appeal site is shown on the key diagram to be clearly within the Metropolitan Green Belt.

4.2 The Hertfordshire County Development Plan 1971

For the purposes of defining in more detail the boundaries of the Metropolitan Green Belt, the County Development Plan is a Statutory Development Plan and was last reviewed in 1976, in a document entitled 'Hertfordshire 1981'. This Plan will not be referred to since there is no dispute that the appeal site lies in the Metropolitan Green Belt.

4.3 The Welwyn Hatfield District Plan

The Welwyn Hatfield District Plan was published in 1982, and following a local Inquiry in that year, minor modifications were made to it. The Plan was given a Certificate of Conformity by the Hertfordshire County Council for the purposes of day-to-day development control but not submitted to the Secretary of State for his approval because of outstanding objections from the M.A.F.F. to a particular part of the Plan. The objections do not affect the appeal site in any way and Appendix 'D' sets out the status of that Plan in more detail, and also includes extracts from relevant policies. These policies include E1 (Page 50) and E9 (Page 57).

4.4 In addition the District Plan has an Appendix dealing with Standards and Criteria to be used in Development Control matters and paragraph 3.2 on page 11 of their Appendix makes it clear that the replacement of dwellings in the Metropolitan Green Belt will only be permitted in very special circumstances and that the size will be strictly related to the size of the existing dwelling.

(That paragraph is also included as an Extract in Appendix D).

Both the District Plan Policies and Appendices will be referred to in later paragraphs.

4.5 The Welwyn Hatfield Draft District Plan

Whilst the 1982 District Plan was operative when the application being considered now was dealt with, since then the Council has published and adopted for Development Control purposes, a Draft District Plan the Council considers that this latest Plan should be a material consideration in this appeal, in line with advice in Circular 22/84 and extracts from it are attached at Appendix E to this Statement. They will be referred to in later paragraphs.

4.6 In addition to Statutory and Local Plans which set out the policies applied to new development in the Metropolitan Green Belt, the Local Planning Authority has had regard to advice from the Secretary of State through Circulars and Planning Policy Guidance Notes.

4.7 The following documents will be referred to later to support the Council's case:

- a) Circulars 42/55; and 14/84.
- b) Planning Policy Guidance Notes 1, 2, 3 and 7.
- c) Development Control Policy Note No. 4.
Development in Rural Areas

5.0 APPLICATION S6/0652/89/OP

5.1 The application which is the subject of this appeal was registered as an outline application on 14th July, 1989. It was for the demolition of the existing detached dwelling and erection of a replacement detached dwelling on a new site within the curtilage of the existing property.

The application was considered by the Planning and Transportation Committee on 18th August, 1989, and taking into account the letter of the applicant dated 14th July, 1989, and the report of the Director of Planning and Development Services, the Committee refused permission for the following reason:-

1. The site is designated in the Welwyn Hatfield District Plan as Metropolitan Green Belt wherein it is the policy of the Local Planning Authority not to allow development unless it is required for agriculture or unless there is some other reason why permission should be granted. In this instance the house has been greatly extended in the past and consent for a further extension is outstanding, all of which would provide adequate amenities for the dwelling. The proposed new dwelling would be considerably larger than the extended house, in a more prominent position to the detriment of the visual amenity and character of the area and contrary to the aims of the above policy.

6.0 AMPLIFICATION FOR REASON FOR REFUSAL

6.1 In considering the planning merits of the application the issues that concern the Local Planning Authority are whether or not the development proposed is justified in the context of the location of the existing dwelling in the Metropolitan Green Belt and also in the context of the policies which are applied by the Local Planning Authority and contrary to the advice of the Secretary of State relating to new development in the Green Belt. Both the Council and the Secretary of State attach considerable importance to the Green Belt and to the control and restraint of development within this designated area. Strict controls over inappropriate development have been in force since 1955 when Circular 42/55 was published by the Government and reinforced in later Structure and District Plans, and further Circular advice. It is considered on the basis of the following paragraphs that there is a clear presumption against this proposal. Circular 42/55 stated that:-

"5. Inside a Green Belt, approval should not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings for purposes other than agriculture, sport, cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area".