

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 8 OCTOBER 2020  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2020/1365/FULL

34 VINEYARDS ROAD NORTHAW POTTERS BAR EN6 4PA

ERECTION OF A 5-BEDROOM DETACHED DWELLING INCLUDING FORMATION  
OF NEW VEHICULAR CROSSOVER

APPLICANT: MR M TAAFFE

**1 Site Description**

- 1.1 The application site consists of a vacant area of land which is located on the south side of Vineyards Road, Northaw. Vineyards Road is lined by residential properties to the south which taper away from the village centre, forming a pattern of 'ribbon' development.
- 1.2 The application plot measures approximately 0.08 hectares in area. Aerial imagery suggests the site previously comprised semi-natural vegetation in the form of trees, shrubs and rough grassland. It has recently been cleared of the majority of the vegetation and now consists of undeveloped land with limited boundary vegetation and two trees towards the rear of the plot. The land is generally level in the vicinity of the proposed house, but slopes downwards from north to south from the front boundary to the rear boundary by approximately 4m. There is a slight incline from the east to the west of Vineyards Road.
- 1.3 To the east and west of the site are residential properties forming 32 and 36 Vineyards Road. Both plots accommodate large two storey dwellings with generously sized front and rear gardens. Beyond the rear site boundary, to the south, lies Northaw Playing Fields and a tennis court. To the north of the site, on the opposite side of the road, is an area of undeveloped mature woodland which is separated from the road by dense boundary hedging.

**2 The Proposal**

- 2.1 This application seeks planning permission for the erection of a detached 5 bed dwelling and associated vehicular access. The proposed dwelling would effectively infill the gap between the existing line of built form that has been established by the dwellings at 32 and 36 Vineyards Road. The new dwelling would benefit from a driveway accessed via a new crossover from Vineyards Road. The driveway would provide off street parking spaces for at least two vehicles. Another parking space would be provided within the proposed integral garage.

- 2.2 The proposed dwelling would be two storey in nature, with additional habitable accommodation provided in the roof space. It would have a footprint of approximately 163sqm and would be set forward slightly compared to the dwelling at 32 Vineyards Road, which adjoins the property to the west. The dwelling would feature a hipped roof with a front gable projection. Materials would be traditional in appearance, consisting of brickwork, hanging tiles, a plain clay tiled roof and bonnet tiles on all of the hips. Stone sills and brick soldier courses would frame some of the window and door openings.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have submitted a Major Objection.
- 3.2 The application has also been called-in by Councillor Bernard Sarson for the following reasons:

*"I would like to call in the above planning application for the following reasons given in a resident's email:*

- The plot is within a Green Belt site and prior to January consisted of 19 plus trees, shrubs and bushes. All but 2 of the trees and all the other vegetation has been cut down and burned which has damaged the view and vista of Northaw village. The pond on the plot was also removed;*
- The size, scale and position of the proposed dwelling appears to be too large for the size of the plot. There is no justification as to why it should jut out further forward towards the road than surrounding properties;*
- The proposed dwelling will not lie within a continuous built up frontage as the street view or scene along Vineyards Road varies, with the type of properties being cottages, bungalows and detached properties and also with woodland, green belt land and fields;*
- The house at 32 Vineyards Road has suffered subsidence damage from the roots of unmaintained trees on the application site. The proposed building is close to the boundary line between the sites and will require pile foundations of 4-5 metres into the ground which will worsen the cracks caused by subsidence;*
- Northaw village is not considered to be sustainable due to the village centre lacking facilities; and*
- Although the ecology report found no wildlife at 34 Vineyards Road, the immediate area surrounding the plot has many habitats of many different species which may be affected."*

### **4 Relevant Planning History**

- 4.1 Application Number: S6/1987/1056/OP  
Decision: Appeal Decided – Dismissed  
Decision Date: 12 February 1988  
Proposal: Site for one detached dwelling
- 4.2 Application Number: S6/2005/0375/FP  
Decision: Appeal Decided – Dismissed  
Decision Date: 23 May 2005  
Proposal: Erection of detached dwelling

- 4.3 Application Number: 6/2020/0292/PA  
Decision: Decided – Granted  
Decision Date: 7 April 2020  
Proposal: Erection of 1 x dwelling

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

## **6 Site Designation**

- 6.1 The site lies within the Metropolitan Green Belt, Northaw Common Parkland Landscape Character Area and the Village of Northaw as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

- 7.1 The application was advertised by means of a site notice and neighbour notification letters. In total nine objections have been received including Northaw and Cuffley Resident's Association. All representations received are published in full on the Council's website and are summarised below:

### *Objections*

- The existing numbering does not infer that a dwelling would always be constructed on the site. The existing site address is not 34 Vineyards Road according to Land Registry records;
- The existing use of the land is agricultural, not a vacant building plot;
- The site area is less than half of the stated size;
- The dwelling is 2½ - 3 storeys in height, not two storeys;
- The materials and solar panels in the Design and Access statement are not shown on the proposed elevations;
- The design of the dwelling is not in keeping with the street scene or surrounding properties;
- The new dwelling would not lie within a continuous built up frontage;
- The size, scale, footprint, design and position of the proposed dwelling is too large for the size of the plot and overbearing for a Green Belt Site and Landscape Character Area;
- The design of the dwelling does not take into account the topography of the land which will increase the impact of the proposal on the Green Belt;
- The design would result in harm to the openness and the purposes of the Green Belt,

- The proposal has not demonstrated exceptional circumstances to justify and mitigate harm to the Green Belt;
- The justification for the building is the provision of an additional dwelling to the housing stock. This assumes that there are no other sites within the District which are more suitable for housing developments, and which may contribute more units to the housing stock;
- The type of unit proposed does not reflect the size of dwelling in demand within the District;
- This proposal will not provide any extra affordable homes which is one of the aims of the Local Plan;
- There is not sufficient space for parking and manoeuvring 3 vehicles;
- The site is not sustainable and any dwelling would need to rely heavily on car usage. A fifteen minute cycle ride for shopping essentials would not appear to be practical;
- Additional car journeys will result in increased noise, pollution and traffic along country lanes;
- It will result in a loss of sunlight/daylight to adjoining properties;
- It will appear overbearing to adjoining properties;
- It will result in increased overlooking and a loss of privacy to adjoining properties;
- Noise levels will increase for adjoining properties;
- The clearing of trees, vegetation and a pond has damaged the view and vista of Northaw Village and had a negative impact on local biodiversity and wildlife; and
- There are no details of waste water management for this proposal.

## **8 Consultations Received**

8.1 The following have responded advising they have no objections to the proposal in principal, subject to conditions being applied:

- HCC Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Client Services
- WHBC Landscaping
- Hertfordshire Ecology

8.2 No response was received from Herts and Middlesex Wildlife Trust.

## **9 Town/Parish Council Representations**

9.1 Northaw and Cuffley Parish Council have raised a major objection to the proposed development for the reasons set out below:

*“This land is located within the green belt and no exceptional circumstances have been demonstrated to allow this application to proceed. The property is in an unsustainable location. The plot goes boundary to boundary so it is considered overdevelopment given the size of the plot and plans. It also appears from the plans and after a site visit that neighbours will be overlooked due to the size of the development.”*

## 10 Analysis

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

1. Principle of development
2. Quality of design and impact on the character of the area
3. Residential amenity
4. Highways and parking considerations
5. Other considerations
  - i) Renewable energy
  - ii) Ecology and biodiversity
  - iii) Landscaping
  - iv) Refuse and recycling
  - v) Neighbour representations
6. The planning balancing

### 1. Principle of the development

10.2 District Plan Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan. Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (para.118) and the efficient use of land (para.122).

10.3 The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development.

10.4 The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site where Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:

- i. The availability of previously-developed sites and/or buildings;*
- ii. The location and accessibility of the site to services and facilities by transport modes other than the car;*
- iii. The capacity of existing and potential infrastructure to absorb further development;*
- iv. The ability to build new communities to support infrastructure and provide demand for services and facilities; and*
- v. The physical and environmental constraints on development of land.*

10.5 Policy SADM1 of the Emerging Local Plan is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan; and proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

10.6 The land owner states that the plot was historically used as a vegetable patch, however it is considered that may have previously been part of the garden of an

adjacent plot which has been subdivided. This view is supported by historical maps of Northaw. Gardens in built-up areas are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. Although gardens are not a priority for development, the need to make efficient use of land remains a policy objective.

- 10.7 In terms of accessibility, the site is located just outside of Northaw village centre. Northaw has only limited services including a pub, restaurant, church, primary school, nursery and a village hall. As a result, future occupiers of the development would be unable to access the majority of their day-to-day service requirements from the village. Approximately 3km from the site is Potters Bar, which provides a wide range of facilities and services as well as education and employment opportunities and a railway station. Cuffley, which is located approximately 3.5km from the site additionally provides a range of services and has a station on a separate line. Whilst there are footpaths between the site and Cuffley and Potters Bar, street lighting is infrequent. It is considered that the distance involved, together with inclement weather and darkness would discourage residents from walking and cycling.
- 10.8 Paragraph 103 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account. In this regard it is important to note that there are bus stops on Coopers Lane and within Northaw itself on Northaw Road West which provide links to Potters Bar and Cuffley. As a consequence future occupiers would have access to public transport and would not have to be solely reliant on a private car. However, given the distance involved and the limited bus service, it is considered highly likely that future occupiers would still be primarily reliant on the use of a car to access day to day facilities and services.
- 10.9 It is therefore acknowledged that there would be a degree of conflict with Policies SD1 and H2, however a realistic approach is necessary where sites are in rural areas and where residents are generally more likely to be reliant upon private transport to travel to work, shops or services. This is discussed in more detail later in this report.
- 10.10 The physical and environmental constraints of the development of the land in the manner proposed is assessed under the section below.

### *Green Belt*

- 10.11 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.12 Within that context the main issues to consider in terms of Green Belt policy are:
- the appropriateness of the development in Green Belt;
  - the effect on the openness and purposes of the Green Belt; and

- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### *Appropriateness*

- 10.13 Paragraph 145 of the NPPF outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although there are some exceptions. Paragraph 145(e) of the NPPF states new buildings may not be inappropriate if they are considered to constitute the limited infilling of a village. The NPPF does not provide any guidance as to what constitutes a village or what constitutes limited infilling.
- 10.14 Northaw is defined as a 'Rural Village' in the District Plan. Policy RA2 of the District Plan states that development in Green Belt settlements will only be permitted to accommodate the specific needs of the settlement and the surrounding local rural area for housing, employment, local facilities, services and leisure. Northaw is also identified as a 'Green Belt village' within the settlement hierarchy of Emerging Policy SP3. In addition, this policy states that further development of these settlements should be considered against other Green Belt policies to assess the acceptability of the proposed development.
- 10.15 Emerging Policy SADM34 covers all forms of development within the Green Belt. As a consequence of the nature of the proposed development it is considered that the proposal should be considered against requirements and restrictions of infill development. Policy SADM34 states as follows:

*Limited infill development will be permitted in villages within the Green Belt provided:*

- i. It is within a continuous built up frontage*
- ii. It does not extend the existing 'built up' area of the village into the open countryside;*
- iii. It would not result in the loss of a view or vista which makes a significant contribution to the character of the settlement; and*
- iv. It is small scale and would not result in the provision of more than four dwellings (net)*

- 10.16 Vineyards Road forms a linear pattern of development, with the majority of the residential properties located on the southern side of the road. The houses have been built with a relative conformity as their frontages face the public highway and maintain a similar setback. The exception to the pattern is 38 Vineyards Road which is a unique anomaly in that has been set back considerably from the road and positioned to the rear of 40 Vineyards Road. Given the generally consistent relationship between properties within the row of the existing houses, the proposed dwelling would not disrupt the existing pattern of development and would therefore be located within a continuous built up frontage.
- 10.17 Whilst the application site is currently undeveloped, it is bound to the east and west by residential development. The presence of a community play area, recreation ground and tennis court to the south of the plot additionally creates the perception that these elements form an extension to part of the village, rather than providing uninterrupted views of the surrounding landscape. As a result it is not considered the proposed dwelling would extend the existing 'built up' area of the village into the open countryside.

- 10.18 The site was initially characterised by dense, overgrown vegetation which acted as a verdant buffer between 32 and 36 Vineyards Road, thus likely providing a pleasant localised outlook from the window/doors and rear gardens of the adjoining properties. The aesthetic value of the site is considered limited in the context of the settlement however, and in its existing condition, having recently been largely cleared of vegetation, makes only a neutral contribution to the surrounding area. The introduction of a new dwelling would not result in the loss of a view or vista which makes a significant contribution to the character of Northaw as a whole.
- 10.19 The proposed development would consist of a single detached dwelling, which would not provide more than four dwellings.
- 10.20 On this basis it is judged that the proposed dwelling would constitute limited infilling development within an existing village, therefore it is deemed appropriate development in the Green Belt.

*Openness and Purposes of Including Land in the Green Belt*

- 10.21 The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it. Consequently no discussion of this has been made in respect of the new dwelling.

*Conclusion on the Green Belt*

- 10.22 Taking account of the above, it is considered that the proposal would fall within the limitations of paragraph 145(e) and 146(b) of the NPPF and SADM34 of the Council's Emerging Local Plan and is not inappropriate development within the Green Belt.

**2. Quality of design and impact on the character of the area**

- 10.23 District Plan Policies D1 and D2 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 building and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 10.24 The ribbon development along this side of Vineyards Road comprises detached dwellings of varying size and appearance. In the majority, dwellings span much of the width of their long and linear plots. Building heights differ given the variation in design and combination of single storey and two storey properties, however the height of the surrounding dwellings respect the slightly sloping nature of the street.
- 10.25 The proposed dwelling would have two main storeys and additional habitable accommodation provided within the roof space. The front of the property would feature a front gable projection which would project approximately 1.7m from the



centre of the property. It would also feature a small front porch with a pitched roof. The general shape of the proposed dwelling would be similar to that of existing detached properties located to the east and west. The proposed front projection would have a lower ridge line than that of the main roof. The proposed second floor rooms would be served by two dormer windows and a rooflight within the rear roof slope. The dormer windows would be modest in size and finished with flat roofs, which would be sympathetic and subservient in size to the main roof. A single storey rear element would feature a pitched roof. Although this would not replicate the hipped roof of the main property, it would mimic the pitched roof design of the front porch and gable end projection at the front. The dwelling would have an integral garage which would be to the side of the proposed dwellings, as well as two parking spaces located on the hardstanding at the front of the house.

- 10.26 The proposed detached dwelling would be comparable in size to the footprint of other dwellings along Vineyards Road. The Council's SDG states that a minimum distance of 1m between the flank wall of a property and the adjoining flank boundary must be maintained for all multi-storey, two storey and first floor side extensions. Although the Council's SDG does not make specific reference to distances between new dwellings, it gives an indication that a minimum distance of 1 metre between the flank wall of a property and the adjoining flank boundary is considered to be acceptable. The spacing distances between the proposed dwelling and shared boundaries with existing neighbours would accord with this part of the Council's SDG and the built development to plot ratio would be acceptable. Dwellings to the west of the application site on Vineyards Road reflect a similar spacing arrangement, therefore the proposed dwelling would be in accordance with the character and appearance of the surrounding area.
- 10.27 An indicative streetscene elevation has been submitted to show the levels of the land and to show the resultant siting of the dwelling in comparison to the neighbouring properties. The proposed property would sit at a lower ground level on the road which mitigates its impact to some degree, as the ridge height would appear lower than the ridge of 32 Vineyards Road. The ridge height of 36 Vineyards Road would appear approximately 0.5 metres lower than the proposed dwelling as the topography of the land where the new dwelling would be situated is at a slight incline to 36. It is considered that the scale of the dwelling would maintain and respect the building heights of the immediate neighbouring properties.
- 10.28 The proposed property would project further forward than 32 Vineyards Road by approximately 2.5m to the recessed part of the front elevation, then by an additional 1.7m where the gable end projection is located. This would result in a set back of approximately 12 metres from Vineyards Road, which would be similar to the neighbouring property (32 Vineyards Road) given the curvature of the road. The set back would provide an appropriate transition between 32 and 36 Vineyards Road, as 36 is set further forward compared to the proposed new dwelling.
- 10.29 The proposed layout of the development would result in the provision of a moderate amount of hardstanding in the front garden of the site. The extent of the hardstanding would be comparable with the levels of hardstanding witnessed at a number of the surrounding properties and would therefore be in keeping with the character of the area.

- 10.30 The proposed materials have been listed as facing brickwork, hanging tiles, clay plain tiles for the roof and stone sills and lintels which would frame the window and door openings, and UPVC frames. However, the proposed plans appear to show brick soldier courses above some of the doors/windows as well. As the submitted information is limited in regards to the specific manufacturer and colour of the proposed materials, precise details of the external materials can be secured by way of a planning condition. In principle however the materials are considered acceptable.
- 10.31 For the above reasons, it is considered that the proposed design, scale, massing and layout of the proposed dwelling would respect and relate to the character and context of the area. The high quality design of the proposal is such that it would be in keeping with the character of the area and the surrounding dwellings and would not detract from or be at variance to the local character. The development would therefore accord with aims and objectives of Policies D1 and D2 of the District Plan 2005, the SDG 2005, SP9 of the Emerging Local Plan 2016 and the NPPF.

### **3. Residential amenity**

- 10.32 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.33 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. SADM11 of the Emerging Local Plan is similar in these aims.

#### *Living Conditions of Future Occupiers*

- 10.34 The proposed dwelling would be spacious and would benefit from a large south facing garden. The positioning of the dwelling and separation distances would ensure that future occupiers would experience acceptable outlook, levels of sunlight and daylight and levels of privacy. Appropriate boundary treatment between the proposed dwellings can be secured by planning condition in the interest of privacy.
- 10.35 Policy R19 of the District Plan states that proposals will be refused if the development is likely to be affected by unacceptable noise or vibration from other land uses. This approach is reflected in Policy SADM18 of the Emerging Local Plan. Noise levels due to traffic along Vineyards Road is unknown, but given the road is often used as a cut through to other towns and villages, noise levels may be unsatisfactory for the future occupiers of the proposed development. A glazing and ventilation scheme to ensure adequate levels of noise within the proposed development are met can be secured by planning condition. This recommendation is in accordance with comments from the Council's Public Health and Protection Officer.

#### *Amenity of Adjoining Occupiers*

- 10.36 As a consequence of the proposed position and layout of the development and the application site's relationship with neighbouring properties it is judged that the two neighbours which may be impacted by the proposed development are 32

and 36 Vineyards Road, which sit adjacent to the application site, to the east and west respectively.

- 10.37 It is noted that the proposed dwelling would alter the relationship that 32 and 36 Vineyards Road currently have with the land that they border because it is currently undeveloped. The proposed dwelling would be sited adjacent to these properties and would be appropriately set back from the boundaries of these plots in accordance with the Council's Supplementary Planning Guidance and as a result it is considered that the proposed change in relationship would be acceptable as it would reflect the surrounding pattern of development.
- 10.38 The front building line of the proposed property would project further forward than 32 Vineyards Road. Although this would inevitably increase the amount of built form on the site which would be visible from 32 Vineyards Road, a 45 degree angle has been taken from the closest first floor window of 32 showing the development would not cross this line. Whilst on its own this is not conclusive, a 45 degree angle is a commonly used indicator of an acceptable relationship between properties. In addition to the 45 degree angle, a qualitative assessment is required. The siting is located within a row of residential properties, and the erection of an additional dwelling of such a size and scale is not considered would obscure a protected view, nor one of substantial importance. The orientation, setting, degree of separation and design of the dwelling with a hipped roof pitching away from the boundary with 32 Vineyards Road is sufficient to prevent it from appearing unduly dominant or resulting in a significant loss of light to primary habitable rooms or amenity space. Overall, it is considered that the development would not appear overbearing or result in a detrimental loss of light from 36 Vineyards Road by virtue of its position on a generously sized plot, orientation and separation distance and the existing boundary treatment.
- 10.39 In terms of privacy, views from windows within the rear elevation of the dwelling would predominantly be to the rear garden of the application site. Whilst there is potential for overlooking to parts of the rear gardens of the neighbouring properties, due to the positions of the windows these would be at an oblique view rather than a direct view, where it is considered that there would be no undue loss of privacy. No upper level side windows are proposed in the western elevation of the new dwelling facing 32 Vineyards Road. A dormer exists to the side of 32 Vineyards Road with a window overlooking the application site. This window serves a shower room and is therefore likely to remain obscure glazed. Nevertheless, even a clear glazed window would allow only restricted views towards the side of the new dwelling. One window at first floor level is proposed in the flank elevation which faces 36 Vineyards Road. The window would serve an en-suite bathroom and can be conditioned to be obscure glazed and fixed above 1.7m above floor to protect the amenity of neighbouring occupiers in the event of an approval.
- 10.40 While the development would result in a potential increase in the level of noise arising from the site, it is not considered that this residential use would have a significantly adverse impact upon the amenities of the neighbouring properties given it is one dwelling, the spacing between the dwellings and boundary treatments of the properties. The increase in the use of Vineyards Road would similarly not have a harmful impact upon neighbour amenity given the existing level of use of the road and the well set-back nature of the dwellings from the road.

10.41 Overall, it is considered that the proposed development would provide reasonable living conditions, for both neighbours and future occupiers. It is not considered that the proposal would result in harm that would be detrimental to the living conditions of neighbouring occupiers.

#### **4. Highways and parking considerations**

10.42 In terms of parking, paragraph 105 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. Policy M14 of the District Plan and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF 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. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.

10.43 The existing site does not benefit from a vehicular access or hardstanding. A dropped kerb, crossover and driveway is proposed to be used in association with the new dwelling.

10.44 The Highway Authority are satisfied with the impact of the proposed development upon highway safety, subject to a condition regarding the proposed vehicular access to the site, and informatives regarding road deposits, parking and storage of materials and the obstruction of the highway. It is therefore not considered that the proposal would have an unacceptable impact upon highway safety. There would be space within the site for vehicles to access, turn around and egress on to the highway in forward gear. As the suggested condition would require the proposed access to be built to the satisfaction of the Highway Authority, it is not considered necessary to include as a planning condition under this application. An informative will be included instead.

10.45 With regard to on-site parking provision, the proposal would accord with the Council's Parking Standards SPG which states that three parking spaces should be provided for residential properties which consist of four or more bedrooms. Three parking spaces can be provided on site, including an integral garage which would meet the size standards within the interim policy document for car parking and garage sizes.

10.46 In terms of cycle storage, the application form states that four cycle spaces would be provided. Whilst no further information has been provided, the dwelling would benefit from ample space in the rear garden for appropriately sited storage facilities.

#### **5. Other considerations**

*i) Renewable Energy*

- 10.47 Renewable Energy: Policy R3 of the District Plan states that *'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...'*
- 10.48 The Design and Access Statement outlines that the proposed development would be designed and constructed to minimise energy consumption and obtain high energy efficiency levels. A supporting letter from Gecko Energy Assessors has been provided alongside this, confirming how the development would target a fabric first approach.
- 10.49 Solar PV panels would be provided on the roof of the single storey rear element of the new property, which would face in a southerly direction. An Air Source Heat Pump (ASHP) would also be located on the outside of the proposed kitchen/family room. It is considered reasonable and appropriate to impose a condition securing further details of these energy efficient measures to be submitted and approved in writing by the Council.
- 10.50 The design would additionally involve electric vehicle charging points at the front of the property which can be secured by planning condition.
- 10.51 The above measures enhance the sustainability credentials of the development and encourage ultra-low emission vehicles to be used in accordance with the aims and objectives of Policies R3 and SD1 of the District Plan, Policies SP1, SP10 and SADM13 of the Emerging Local Plan 2016, and the NPPF.

*ii) Ecology*

- 10.52 Paragraph 170 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible. Paragraph 175 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 175(d) of the NPPF that *"opportunities to incorporate biodiversity improvements in and around developments should be encouraged"*.
- 10.53 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 10.54 Policy R16 refers to Protection of Species and outlines that planning permission will not be granted for and development of use of land which would have an adverse impact on badgers or species protected by schedules 1, 5 or 8 of the 1981 Wildlife and Countryside Act, as amended.
- 10.55 The applicant has undertaken a recent ecological appraisal of the application site and that ecology survey has been submitted as part of this application. The report outlines that no habitat or protected species issues were noted as the site had been cleared of all vegetation bar two trees. Bat/bird/insect boxes were recommended as future enhancements to biodiversity. These measures can be secured by planning condition.
- 10.56 Hertfordshire Ecology present no objections to the proposal given that the site is located within an existing developed area of residential properties. Their response outlined that whilst the local loss of wildlife habitat within the site was to

be regretted, this was of some local value at the site level only and would not have represented a fundamental constraint. Furthermore, there was no evidence that any offence had been committed during the course of any site clearance. Recommendations for conditions echoed the ecology report regarding future enhancements to the site itself, along with the planting of fruit trees to provide this previous characteristic of the site. This can be agreed as part of a landscaping condition.

10.57 Subject to suggested conditions, it is considered that the proposal satisfies the requirements of the District Plan and the NPPF in respect of Ecology.

*iii) Landscaping*

10.58 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.

10.59 The site is within Northaw Common Parkland Landscape Character Area where Policy RA10 applies. The Northaw Common Parkland Landscape Area is characterised by parkland features, with landscapes that have been created through the historic development of these parklands and estates. The strategy for managing change to this Landscape Character Area is to conserve and strengthen. Reference to the history of Northaw Common Parkland must be viewed in the context of the existing ribbon development and other wide ranging developments which have also had a degrading impact on any historic integrity of the area already. Furthermore, by virtue of the small scale of the development, although it would not contribute to the Landscape Character Area, it is not considered it would conflict with its aims.

10.60 It is noted that some details have been provided as part of this application about the location and areas that would be used for hard and soft landscaping. It is considered that the information provided is sufficient to assess that the location and size of the proposed soft and hard landscaping would be acceptable but further information is required to make sure that the materials and planting used within these landscaping features are acceptable. As a consequence, it is considered reasonable and appropriate to impose a condition on any approval requiring that a landscaping plan be submitted and approved by the Council.

*IV) Refuse and recycling*

10.61 The Council's Client Services Team raise no objection to the principal of the proposed development. The new dwelling would benefit from a side access to the rear garden which would allow for refuse and recycling to be stored either to the side of the dwelling or within the rear garden without having to be brought through the dwelling for collection. It is therefore not necessary for a planning condition requiring details of a bin storage area to be approved by the Local Planning Authority.

*V) Neighbour representations*

10.62 A number of concerns were raised by the occupiers of the neighbouring and surrounding dwellings. The presence of subsidence at the neighbouring property is not a planning issue and may not be considered as part of this application. The

Council do not hold legal documents detailing legal boundaries or addresses, therefore this is a matter that the relevant parties would need to resolve independently. Drainage and the disposal of sewage is not a material planning consideration that needs to be taken into consideration in the determination of this application either. In the event of permission being granted, an informative could be included to note that the granting of the permission would not convey any consent which may be required under other legislation (e.g. building regulations).

10.63 The proposal is below the threshold for affordable housing in the current District Plan (25 dwellings) and below the threshold set in Policy SP7 of the Emerging Local Plan – Type and Mix of Housing and NPPF (10 and more). Therefore there is no policy requirement for affordable housing in the scheme.

## **6. The planning balancing**

10.64 It is necessary to undertake a balancing exercise to establish whether the concerns highlighted above surrounding the sustainability of the site can be outweighed by other material considerations.

10.65 Paragraph 73 of the NPPF sets out that '*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*'.

10.66 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development and footnote 7 outlines that it includes, amongst other things, '*for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)*'.

10.67 The Council does not have a five year housing supply, a position acknowledged by the Council in the recently published Annual Monitoring Report (AMR) and therefore the NPPF at Paragraph 11 notes the presumption in favour of sustainable development which for decision taking means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

10.68 Furthermore, paragraph 78 outlines that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify

opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

- 10.69 In this case, there would be conflict with District Plan Policy H2 in terms of the location and accessibility of the site to services and facilities by transport modes other than the car. Moderate rather than significant weight is attached to this harm considering the suitability and length of the public footway between the site and the edge of the settlement of Brookmans Park for walking.
- 10.70 District Plan Policy SD1 and the NPPF advocate sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 10.71 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the construction of the dwellings. However, the economic benefits in terms of construction of the building would be short-term and therefore limited. Local business would derive some long term economic benefit from the future occupiers spending on goods and services but this would be limited in scale. These considerations therefore carry limited weight in favour of the proposal.
- 10.72 The proposal would provide one additional dwelling which would contribute to housing stock in the Borough. This reduces pressure on housing land take elsewhere, albeit to a limited degree, and would accord with the support in the NPPF for increasing the supply of housing. Further social benefit arises from the provision of high quality housing.
- 10.73 Turning to the environment, the proposal would not be inappropriate development and would not materially harm the openness of the Green Belt or conflict with the purposes of including land within it. In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not harm the amenity of neighbouring occupiers. These considerations weigh moderately in favour of the proposal.
- 10.74 The proposal makes effective and efficient use of long-standing vacant and underutilised land. In addition, it is the applicant's intention to use sustainable construction techniques including solar panels, an air source heat pump and an electric vehicle charging point. Such environmental benefits enhance the sustainability credentials of the development would be attributed moderate weight.
- 10.75 In this case, it is considered that the adverse impacts of granting permission, through the aforementioned development plan conflict, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The proposal would therefore, on balance, represent sustainable development. Accordingly, the requirements of paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.



- 11.1 The proposal would not be inappropriate development and would not materially harm the openness of the Green Belt or conflict with the purposes of including land within it. In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not harm the amenity of neighbouring occupiers.
- 11.2 The proposal has been found to afford benefits in all areas of sustainability and is in accordance with the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guidance and the relevant chapters of the National Planning Policy Framework.
- 11.3 For the reasons summarised above, together with all other material considerations, subject to the suggested conditions the proposal is recommended for approval.

## **12 Recommendation**

- 12.1 It is recommended that planning permission be approved subject to the following conditions:

### **PRIOR TO ABOVE GROUND DEVELOPMENT**

1. No above ground development in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. No above ground development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:
  - a) Means of enclosure and boundary treatments;
  - b) hard surfacing, other hard landscape features and materials;
  - c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing; and
  - d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No above ground development shall take place until full details of bat, bird and insect nesting boxes/tubes/tiles, including the exact location, specification and design, have been submitted to and approved in writing by the Local Planning Authority. The structures shall be positioned away from bright lights and disturbance and constructed in accordance with the approved details prior to the occupation of the dwelling, and retained in that state thereafter.

REASON: In the interest of the protection of protected species and the biodiversity of the site in accordance with Policies R11 and R16 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### PRIOR TO OCCUPATION

4. Prior to the first occupation of the development hereby permitted the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to a scheme to protect the proposed development from traffic noise which shall be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 and take into account max noise levels. Any associated mechanical ventilation will need to meet the ventilation requirements found within The Noise Insulation Regulations 1975 (or a similar alternative to be agreed with the Local Planning Authority).

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. The first floor side window in the eastern elevation of the development hereby approved must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. No occupation of the development shall take place until full details of the photovoltaic panels, air source heat pump and electric vehicle charging point have hereby approved have been submitted to and approved in writing by the Local Planning Authority. Subsequently the photovoltaic panels, air source heat pump and electric vehicle charging point must be fully installed in accordance with the approved details and operational prior to the occupation of the development to which the details relate.

REASON: To ensure the proposed energy efficiency measures are achieved in the interest of tackling climate change and creating sustainable development whilst also ensuring a satisfactory standard of development in the interests of visual amenity and maintaining the character of the area in

accordance with the Policies SD1, R3, R4, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### DRAWING NUMBERS

7. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
18753/T/01-01		Topographic Survey	15 June 2020
DPL/20/02-1	A	Existing/Proposed Plans	8 September 2020

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

#### INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
5. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain

their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

6. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.spx> or by telephoning 0300 1234047
7. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047
8. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

## 9. Noise control

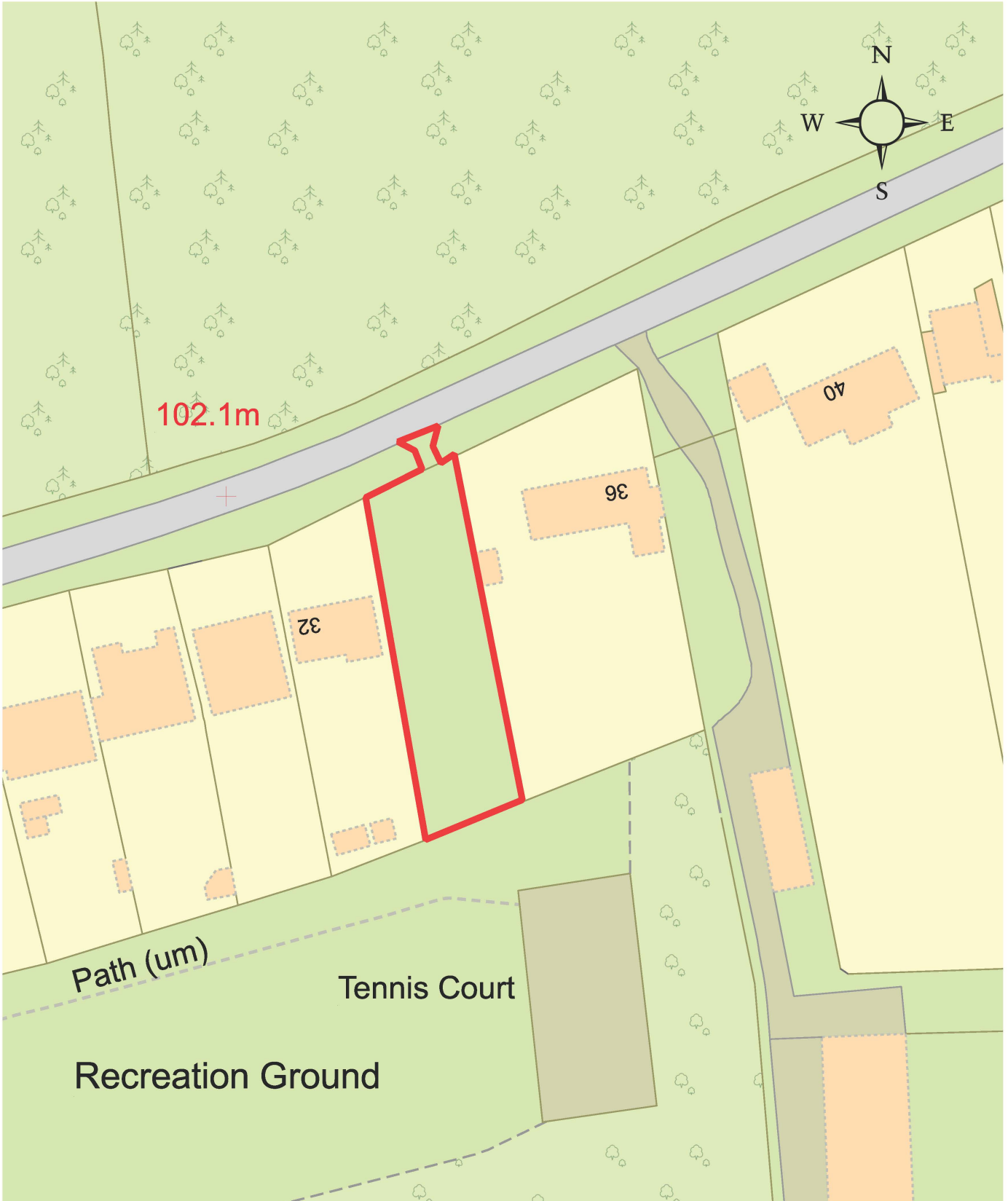
1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :  
8.00am and 6.00pm on Mondays to Fridays  
8.00am and 1.00pm Saturdays  
and at no time on Sundays and Bank Holidays
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
7. Any pile driving shall be carried out by a recognised noise reducing system.
8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any subcontractors.
11. Any emergency deviation from these conditions shall be notified to the Council without delay.


## 10. Dust control

1. All efforts shall be made to reduce dust generation to a minimum.
2. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

### POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:
	34 Vineyards Road Northaw Potters Bar EN6 4PA		DNS
	Project: DMC		Date:
	Drawing Number: 6/2020/1365/FULL		21-09-2020
Drawn:		Claire Brewster	
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