

**WELWYN HATFIELD BOROUGH COUNCIL  
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

**DELEGATED APPLICATION**

**Application No:** 6/2016/2571/HOUSE  
**Location:** Lake View Leggatts Park Great North Road Little Heath Potters Bar EN6 1NZ  
**Proposal:** Erection of outdoor swimming pool with plant room following removal of Douglas Fir (T3) and Lime (T4) trees covered by TPO393  
**Officer:** Mr R Adenegan  
**Recommendation:** Granted

6/2016/2571/HOUSE

<b>Context</b>	
<b>Site and Application description</b>	<p>Leggatts Park is a private gated estate of five properties immediately to the north of Little Heath and the east of the Great North Road (A1000). The dwellings within the estate are large detached houses that sit on spacious secluded plots. The dwellings on the estate are relatively new as the estate was redeveloped in the 1990's. Within the consent for the new dwellings permitted development rights were withdrawn and curtilages restricted to that within the permission. The Officer's report for application S6/0369/97FP stipulates that this is necessary to make the development acceptable.</p> <p>The application site is one of the five detached houses and is located on the south western end of the Leggatts Parks. The house has been extended from the original built form.</p> <p>The site lies wholly within the Metropolitan Green Belt and Landscape Character Area 53. Access to Leggetts Park a Wildlife Site (WS166) as defined in the Welwyn Hatfield District Plan Proposals Map.</p> <p>Planning permission is sought for the erection of an outdoor swimming pool and a plant room and would involve the removal of two trees covered by Tree Preservation Order, TPO393. The swimming pool would be sited approximately 3.6m from the existing rear conservatory on the south western corner of the building and would cover an area of approximately 14m wide and 8.8m long (123sq.m) with the pool covering approximately 10.4m wide and 4.4m long within this setting.</p> <p>The proposed plantroom would be sited 8.2m from the conservatory and along the edge of the swimming pool platform on its northern end and would measure approximately 4.6m wide, 3.3m deep and 2m high.</p>
<b>Constraints (as</b>	GB - Greenbelt

<b>defined within WHDP 2005)</b>	LCA - Landscape Character Area (Northaw Common Parkland) PAR - PARISH (NORTH MYMMS) Wards - Brookmans Park & Little Heath FM00 - 74545 FM00 - 7630136 TPO - TPO393 T1 TPO - TPO393 T2 TPO - TPO393 T3 TPO - TPO393 T4 TPO - TPO393 T5		
<b>Relevant planning history</b>	The Leggetts Park development has an extensive property history, but it is mostly not relevant to this property.  S6/0369/97FP - Demolition of existing dwellings, garages and outbuildings and the erection of 5 new dwellings together with garages, and landscaping, fences and walls – Approved.  For the application site: S6/2007/612/MA - Erection of a rear conservatory and installation of swimming pool to basement. – Approved – 18 <sup>th</sup> July 2007.		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support:	Object:	Other:
<b>Publicity</b>	Two neighbouring properties were consulted. No response has been received.		
<b>Summary of neighbour responses</b>	None		
<b>Town / Parish representations</b>	North Mymms Parish Council - A condition of approval for every mature tree removed it should be replaced with two trees. The application must comply with Green Belt policies. The Plant Room is poorly designed and proposed materials of poor quality that are not in keeping with the development.		
<b>Consultees and responses</b>	1. Sue Chudleigh See parish comment 2. Landscapes Department T8 (fir, T3 on TPO393) is clearly struggling and shows signs of decline in the crown. The removal of this tree is reasonable due to its failing health and proximity to the house. As this tree is protected with a TPO a replacement tree will be required. The new tree does not have to be planted in the exact location of the old one but must be to the western side of the site and on the northern half of the plot. The species does not need to be another fir but should be an evergreen conifer.  Should the application be approved a tree protection plan will be required. The scale of the document should reflect the importance of the trees in the		

	<p>landscape and the size of the building works.</p> <p>It is not clear if this particular tree is protected with the TPO. I would suggest though that there is sufficient space and therefore reasonable to plant another deciduous medium to large crowned, long lived tree in the grounds.</p> <p>3. Councillor Stephen Boulton No response</p> <p>4. Councillor John Dean No response</p> <p>5. Councillor Jonathan Boulton No response</p>
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**Relevant Policies**

- NPPF  
 D1    D2    GBSP1    GBSP2    M14

Others

SD1 - Sustainable Development  
RA1 - Development in the Green Belt  
R11 – Biodiversity and Development  
R17 – Tress, Woodland and Hedges  
D8 - Landscaping  
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

**Main Issues**

**Is the development within a conservation area?**

Yes  No

**Would the significance of the designated heritage asset be conserved or enhanced?**

Yes  No

**Comment** (if applicable):

**Would the development reflect the character of the area and maintain the openness of the Green Belt?**

Yes  No

**Comment** (if applicable):

Due to the application dwelling being within the Green Belt any additions should not result in a property that is considered to be disproportionate to the original. Due to the property history and the application property being a replacement dwelling, there is very little scope for further additions to the existing property. However, the proposed development has sited all works to the rear and kept the visual alterations to a minimum. The proposed swimming pool and plant room by reason of its siting and height would be clearly subordinate to the main dwelling. Due to this addition being set on a lower ground level and the swimming pool without an enclosure and would have a relatively shallow apparent depth as no spa pool opening is included, the proposal would not alter the external mass and bulk of the dwelling. The proposed swimming pool would therefore not have an impact upon the openness of the Green Belt. Whilst the plantroom would protrude above ground level of the main building it is considered would not appear prominent from the surrounding area. The proposed development would not result in a property that would be disproportionate to the original and would comply with Policy RA1 of the Welwyn Hatfield District Plan 2005 and the aims of the NPPF.

**Would the development reflect the character of the dwelling?**

Yes  No  N/A

**Comment** (if applicable):

The application dwelling is within a private estate and is surrounded by mature vegetation to the front. Due to the proposal being sited to the rear of the property and a sufficient distance from the neighbouring properties and public views, the development would not have an adverse impact upon

the character and appearance of the locality. The proposed plant room would be 2.3m in height, and as a result of the sloping terrain of the site and, in particular, this area of the application property which slopes downward to the rear, the plant room would have its base some 1.8m below ground level of the main building, which is the same level as the swimming pool. The height of the plant room and its location within the context of the site would be clearly subordinate to the main dwelling. This addition of timber cladding would be a very lightweight structure which would respect the existing character of the dwelling.

Also, as a result of the sloping nature of the land, it is proposed to erect concrete steps rising to 1.8m to serve as a link from the main dwelling to the swimming pool. The steps will not be visible from neighbouring properties and would not have any negative impact on the character of the house. Therefore the proposed development is considered to be acceptable from a design point of view and accords with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.

**Would the development maintain the amenity of adjoining occupiers?** (e.g. privacy, outlook, light etc.)

Yes  No  N/A

**Comment** (if applicable):

The neighbouring properties would not be affected by the proposed development. Due to the sufficient distance which would separate the development from the neighbours and the mature vegetation which create a screen. The development would not have an adverse impact upon the residential amenity of the neighbouring dwellings. Therefore the proposed development would comply with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

**Would the development provide / retain sufficient parking?**

Yes  No  N/A

**Comment** (if applicable):

**Any other issues**

Trees and Landscaping Matters

The application site has several mature trees within close proximity to the proposed development. The proposal would result in the removal of some matured trees and young trees including trees with Tree Preservation Order. The Tree Officer has advised that should the application be approved a tree protection plan will be required and that the scale of the document should reflect the importance of the trees in the landscape and the size of the building works. The officer advised that there is sufficient space within the site to accommodate the replanting of another deciduous medium to large crowned, long lived tree in the grounds in place of the one proposed to be removed. The Tree Officer has therefore not raised any fundamental objection to the proposal subject to condition for the protection of existing trees during construction works and the replanting of some of the trees to be removed. As such, the proposal accords with Policies D8 and R17 of the Welwyn Hatfield District Plan 2005.

**Conclusion**

The proposed development would not result in an adverse impact upon the character of the area or neighbouring properties. The proposed development would not result in a dwelling that would be disproportionate to the original and the development would not have an adverse impact upon the openness of the Metropolitan Green Belt. Accordingly, an approval of planning permission is recommended.

### **Conditions:**

1. One Pinus sp., Cedrus libani, Sequoiadendron sp. or Sequoia sp. (with a minimum rooting volume of 125l) shall be planted in a similar location in the next available planting season (November-February) in accordance with the British Standard 8545:2014 (Trees: from nursery to independence in the landscape – Recommendations) following the works hereby approved.

REASON: Replacement trees are required given the current amenity value of the tree(s) and consent is only given for the works because of the declining health of tree TPO393 T3 fir in accordance with Policy R17 of the Welwyn Hatfield District Plan 2005

2. A Tree Protection Plan and Arboricultural Method Statement shall be submitted to the Local Planning Authority and approved in writing before any works commence on site, including demolition. These documents should comply with BS5837:2012 (Trees in relation to design, demolition and construction - Recommendations) or state why they do not.

The statement must include:

- a) a plan showing the areas of on-site trees, or parts of trees growing from adjacent sites, to be protected and fencing in accordance with the relevant British Standard and to identify areas where no chemical or materials or equipment shall be stored, mixed or prepared, no fires or site washings, within the RPA of the tree or under the canopy spread whichever is the greater
- b) specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.
- c) confirm that no excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall not take place within any area designated as being fenced off or otherwise protected in the approved scheme.
- d) explain how the protection will be implemented, including responsibility for site supervision and control.

The development shall be carried out only in accordance with the approved documents, unless the Local Planning Authority has given prior written consent to any variation. Trees on or adjacent to the site must be protected in accordance with the agreed statement throughout the period of development. The fencing or other works which are part of the approved Tree Protection Plan shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies R11, R17 and D8 of the Welwyn Hatfield District Plan 2005.

### **DRAWING NUMBERS**

3. 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>
16 1000-2	B	Proposed Location, Block, Elevations and Floor Plans	12 December 2016
16 1000-5A		Existing Landscaping Plan	15 December 2016

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

**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 which may affect the land.

**Determined By:**

Mr A Mangham  
9 February 2017