

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2017/0475/HOUSE  
**Location:** Lake View Leggatts Park Great North Road Little Heath Potters Bar EN6 1NZ  
**Proposal:** Erection of a subterranean extension and removal of T8 (Fir) and T9 (Lime) covered by TPO393.  
**Officer:** Mr D Elmore

**Recommendation:** Granted

6/2017/0475/HOUSE

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site comprises a large detached dwelling set within large grounds. This property forms part of Leggatts Park - a private gated estate of five secluded properties immediately to the north of Little Heath and the east of Great North Road (A1000).</p> <p>The site lies wholly within the Metropolitan Green Belt and Landscape Character Area.</p> <p>Planning permission is sought for the erection of a subterranean extension and removal of T8 (Fir) and T9 (Lime) covered by TPO393. The extension would serve a swimming pool, changing rooms and plant room.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB - Greenbelt</p> <p>LCA - Landscape Character Area (Northaw Common Parkland)</p> <p>PAR - PARISH (NORTH MYMMS)</p> <p>Wards - Brookmans Park &amp; Little Heath</p> <p>TPO - TPO393 T1</p> <p>TPO - TPO393 T2</p> <p>TPO - TPO393 T3</p> <p>TPO - TPO393 T4</p> <p>TPO - TPO393 T5</p>
<b>Relevant planning history</b>	<p>Application Number: 6/2016/2571/HOUSE    Decision: Granted    Decision Date: 09 February 2017</p> <p>Proposal: Erection of outdoor swimming pool with plant room following removal of Douglas Fir (T3) and Lime (T4) trees covered by TPO393</p> <p>Application Number: S6/2007/1916/MA    Decision: Refused    Decision Date: 10 March 2008</p> <p>Proposal: FORMATION OF A TENNIS COURT AND FOOTPATH</p>

	<p>Application Number: S6/2007/0612/MA      Decision: Granted      Decision Date: 18 July 2007</p> <p>Proposal: ERECTION OF A REAR CONSERVATORY AND INSTALLATION OF SWIMMING POOL TO BASEMENT.</p> <p>Application Number: S6/2006/1422/FP      Decision: Granted      Decision Date: 06 December 2006</p> <p>Proposal: INSTALLATION OF THREE ROOF LIGHTS TO DETACHED GARAGE</p> <p>Application Number: S6/1997/0369/FP      Decision: Approval Subject to s106 Decision Date: 17 June 1999</p> <p>Proposal: Demolition of existing dwellings, garages and outbuildings and the erection of 5 new dwellings together with garages, and landscaping, fences and walls</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Neighbours letters		
<b>Summary of neighbour responses</b>	No responses		
<b>Consultees and responses</b>	<p>Councillor Stephen Boulton – No response</p> <p>Councillor John Dean - No response</p> <p>Councillor Jonathan Boulton – No response</p> <p>WHBC (Landscaping Department) – Comments summarised as follows:</p> <ul style="list-style-type: none"> <li>• Comments very similar to 6/2016/2571/HOUSE</li> <li>• 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. A condition is required to cover its replacement. 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.</li> <li>• Significant concerns over T9 (lime). This is not highlighted for removal and the Tree Report does not indicate any concerns over the structure of the tree. Inspection found it to have extensive and advanced decay consistent with <i>Kretzschmaria deusta</i></li> <li>• Should the application be approved a tree protection plan and planting plan will be required.</li> </ul> <p>North Mymms Parish Council – Comment summarised as follows:</p>		

	<ul style="list-style-type: none"> <li>Two trees should be planted for each tree removed to maintain the environment</li> </ul>
<b>Relevant Policies</b>	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input type="checkbox"/> M14 Others: RA3, Supplementary Design Guidance	
<b>Main Issues</b>	
<b>Is the development within a conservation area?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Would the significance of the designated heritage asset be conserved or enhanced?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Comment:</b> N/A	
<b>Would the development reflect the character of the area?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Would the development reflect the character of the dwelling?</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Would the development maintain the amenity of adjoining occupiers?</b> (e.g. privacy, outlook, light etc.)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Would the development provide / retain sufficient parking?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Green Belt</b>	<p><b>Whether the proposal is inappropriate development within the Green Belt</b></p> <p>The National Policy Framework 2012 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is to be regarded as inappropriate, apart from various exceptions. One of these exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This is in line with Council Policy RA3 'Extensions to Dwellings in the Green Belt' of the Welwyn Hatfield District Plan 2005 (Local Plan). Policy RA3 also outlines further criteria in this regard in that extensions to existing dwellings would also only be allowed where the development would not have an adverse visual impact (in terms of its prominence, size, bulk and design) on the character, appearance and pattern of development of the surrounding countryside.</p> <p>The NPPF and the Council's Local Plan provides no guidance for establishing whether a proposal would be disproportionate; however the assessment of "proportionality" has been developed through planning decisions to take into consideration both a quantitative and qualitative methodology.</p> <p><i>Quantitative assessment</i></p> <p>In terms of a quantitative assessment, an analysis of footprint and floor space are normally a good proxy for the overall size of extensions. The original dwelling had a footprint of 282.sqm and floor space of 519.sqm. The previous conservatory extension combined with that proposed would result in a 308.sqm increase in footprint and floor space. This represents a 123% increase in footprint and 67% increase in floor space. Based independently on the above calculations, the proposed development would be regarded as disproportionate.</p>

	<p><i>Qualitative assessment</i></p> <p>While a numerical calculation may show a proposal to be disproportionate, the material impact should also take into consideration a qualitative assessment. The proposed extension would be built below ground and all existing land levels, apart for the section of the building serving the proposed light-well, would be re-instated. Providing the re-instated land level is grassed over, the effect on openness would be minimal and would not cause material harm to the Green Belt. Furthermore, by virtue of the existing ground level being re-instated, the character and visual amenity of the site and Green Belt would not be adversely affect. The requirement for the re-instated land to be grassed over can be suitably secured through planning condition.</p> <p><i>Conclusion</i></p> <p>Despite the significant footprint and floor space of the proposal relative to that of the original building, the effect on openness and permanence would be limited and would not cause material harm to the Green Belt, nor would the proposal impinge upon the character and visual amenity of the site or Green Belt. As such, it is considered, on balance, that the proposal would not result in disproportionate additions over and above the size of the original building. Furthermore, the extension would not be contrary to any of the purposes of including land within the Green Belt. On this basis, the proposal is consistent with the NPPF and Local Plan Policy RA3.</p>
<p><b>Landscaping</b></p>	<p>T8 (Fir T3 on TPO393) is proposed to be removed to facilitate the development. The Council's Landscaping Officer has outlined that this tree is clearly struggling and shows signs of decline in the crown and therefore its removal is reasonable due to its failing health and proximity to the house. Replacement tree is required as this tree is protected. This can be secured through planning condition.</p> <p>Furthermore, given the proximity of other existing trees, including TPO's, a tree protection plan is required in the event of a grant of planning permission. This can be secured through planning condition.</p> <p>T9 (Lime on TPO393) is not highlighted for removal and the Tree Report does not indicate any concerns over the structure of the tree. This tree however has been inspected by the Council's Landscaping Officer and has been found to have extensive and advanced decay consistent with <i>Kretzschmaria deusta</i>. It is therefore recommended that this tree should be removed given its proximity to the proposal and in the interest of safety. Following correspondence with the agent, it has been agreed for this tree to be removed under this application. Given this tree is protected with a TPO, a replacement tree will be required. This can however be secured through planning condition.</p>
<p><b>Conclusion</b></p>	
<p>Subject to the suggested planning conditions, the proposed development complies with local and national planning policies.</p>	

**Conditions:**

1. The external decorations of the approved west facing elevation, serving the light well, must match the existing building in relation to colour and texture.

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

2. No development shall take place until a suitably scaled plan showing the location of one *Pinus* sp., *Cedrus libani*, *Sequoiadendron* sp. or *Sequoia* sp. (with a minimum rooting volume of 125l), has been submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interest of visual amenity, given the agreed removal of T8 (T3 on TPO393), and in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

3. No development shall take place until a suitably scaled plan showing the location of one *Tilia*, *Juglans* or *Castanea*, has been submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interest of visual amenity, given the agreed removal of T9 (T4 on TPO393), and in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

4. All agreed soft landscaping comprised in the above details ( as outlined in condition 2 and 3 above) shall be carried out in the next planting season (November-February) in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

5. 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 existing trees in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

6. The re-instated ground level must be replanted/re-seeded in grass within 3 months following substantial completion of the subterranean extension hereby approved.

REASON: In the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005 and appropriateness within the Green Belt in accordance with the National Planning Policy Framework and Policy RA3 of the Welwyn Hatfield District Plan 2005.

#### 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>
16 2000-1	E	Proposed Floor Plans	11 May 2017
16 2000-2	E	Proposed Elevations	11 May 2017
16 1000-5 A		Existing Landscaping Plan	10 March 2017
16 2000-4	A	Existing Floor Plans & Elevations	11 May 2017
16 2000-3	B	Proposed Sections	11 May 2017

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:**

Ms F Nwanze  
11 May 2017