

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

DELEGATED APPLICATION

Application No: 6/2017/2957/HOUSE
Location: Wildewood Kentish Lane Brookmans Park Hatfield AL9 6JG
Proposal: Erection of ground floor extension & construction of a basement following evacuation and demolition of existing pool area and removal of external paving and terraced areas
Officer: Ms Lucy Hale

Recommendation: Refused

6/2017/2957/HOUSE

Context	
Site and Application description	<p>The application site is located on the east side of Kentish Lane and comprises of a large detached dwelling within landscaped grounds approximately 1.6 hectares in area. The site comprises an ancillary garage and staff accommodation building which includes a sunken, open-air swimming pool with a small changing room between the west side of the house and the boundary with Kentish Lane. The house and pool are on land lower than the road and screened by substantial boundary planting, which is covered by a TPO (03 Wood No 42).</p> <p>The proposal seeks planning permission for would involve removal of the pool terrace and small changing room and construction of a ground floor reception/library, a link building with large stair case and foyer, a basement swimming pool with sauna and bar and a light well to the basement with steps up to the south. This application follows a pre-application enquiry which was refused under reference 6/2016/1075/PA. It is noted that the proposal is similar although has reduced its overall floor area and footprint.</p> <p>The site does not benefit from permitted development rights under Schedule 2, Part 1 Class A, B, C and E which were removed by condition under application reference S6/1997/1052/FP.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt LCA - Landscape Character Area (North Mymms Common and Newgate Street Farmed Plateau) LCA - Landscape Character Area (West End - Brickendon Wooded Slopes) - PAR - PARISH (ESSENDON) PAR - PARISH (HATFIELD) Wards - Brookmans Park & Little Heath - Distance: 0 GAS - High Pressure Gas Pipeline(BRICKENDON - FINCH LANE)</p>
Relevant planning history	<p>Application Number: 6/2017/2281/HOUSE Decision: Withdrawn Decision Date: 18 December 2017 Proposal: Erection of ground floor extension & construction of a basement following evacuation and demolition of existing pool and outbuilding structures</p> <p>Application Number: 6/2016/1075/PA Decision: Refused</p>

	<p>Proposal: Pre-application for erection of new indoor pool at basement level and games room at ground floor level following demolition of existing pool and pool house</p> <p>Application Number: S6/2015/0789/MA Decision: Granted Decision Date: 13 July 2015 Proposal: Erection of single storey rear extension with roof terrace</p> <p>Application Number: S6/2012/1258/MA Decision: Refused Decision Date: 27 September 2012 Proposal: Erection of swimming pool enclosure</p> <p>Application Number: S6/2011/2227/MA Decision: Refused Decision Date: 10 February 2012 Proposal: Erection of linked swimming pool and gym and erection of terrace with retaining walls</p> <p>Application Number: S6/2011/0198/MA Decision: Approval Subject to s106 Decision Date: 10 May 2011 Proposal: Conversion of existing residential unit in ground floor of detached outbuilding into a garden room and retention of first floor staff annex</p> <p>Application Number: S6/2011/0208/MA Decision: Refused Decision Date: 12 April 2011 Proposal: Erection of side extension to create new orangery with basement</p> <p>Application Number: S6/2005/0881/FP Decision: Refused Decision Date: 07 September 2005 Proposal: Erection of swimming pool enclosure</p> <p>Application Number: S6/2005/0586/FP Decision: Granted Decision Date: 30 June 2005 Proposal: Erection of an orangery to side of building</p> <p>Application Number: S6/2005/0246/FP Decision: Refused Decision Date: 29 April 2005 Proposal: ERECTION OF AN ORANGERY AND POOL ENCLOSURE</p> <p>Application Number: S6/1997/1052/FP Decision: Granted Decision Date: 02 March 1998 Proposal: Demolition of existing dwelling, glasshouses and barns and construction of replacement dwelling and garage (variation to planning permission S6/0173/97/FP to add conservatory, attic dormers and garden store)</p> <p>Application Number: S6/1997/0173/FP Decision: Approval Subject to s106 Decision Date: 03 December 1997 Proposal: Demolition of existing dwelling, glasshouses and barns and construction of replacement dwelling and garage</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 11 January 2018 Site Notice Expiry Date: 01 February 2018		

Summary of neighbour responses	None
Consultees and responses	Hertfordshire County Council Historic Environment Advisor – No objections Cadent Gas Limited – Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
Relevant Policies	
<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 checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input checked="" type="checkbox"/> Interim Policy for car parking and garage sizes Others: RA3, RA10 <u>Draft Local Plan Proposed Submission 2016:</u> SP3 Settlement Strategy and Green Belt Boundaries SP9 Place Making and High Quality Design SP10 Sustainable Design and Construction SADM 11 Amenity and Layout SADM 12 Parking, Servicing and Refuse SADM 16 Ecology and Landscape SADM 34 Development within the Green Belt	
Main Issues	
Principle of the development within the Green Belt	Paragraph 79 of the National Planning Policy Framework (NPPF) identifies the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development within the Green Belt, outlined in paragraph 87. Paragraph 89 clarifies that an extension or alteration to a building, providing it does not result in disproportionate additions over and above the size of the original building. Policy RA3 is in line with the NPPF in that it is concerned with the impact created by extensions on the openness of the Green Belt, yet recognises that the extension of a dwelling may be considered appropriate development so long as the development would not result in disproportionate additions over and above the size of the original dwelling (i). Policy RA3 goes on to state that the visual impact of a development, in terms of prominence, bulk size and design, on the character, appearance and pattern of development of the surrounding countryside is an important consideration in assessing a proposal (ii). Permission will only be allowed where criteria (i) and (ii) of Policy RA3 are met. The application site has a complex planning history and therefore for the purpose of clarity, this report references the floor area and footprint calculations contained within the previous application (S6/2015/0789/MA). The property as it exists was the result of the demolition of an existing dwelling, glasshouses and barns and the construction of a replacement dwelling including a conservatory, dormers and a garden store (S6/1997/1052/FP). This application was an amendment of a previous application for a replacement dwelling and garage only (S6/1997/0173/FP). Application reference S6/1997/1052/FP included a condition restricting permitted development rights for Class A, B, C and E of Schedule 2, Part 1 to allow the Council to have strict control on any future proposed alterations,

extensions and outbuildings to the site. A materially larger replacement dwelling was allowed to be constructed due to very special circumstances (that the new dwelling would be set back from the main road, the overall footprint would be less and the demolition of all the outbuildings buildings associated with the commercial nursery would improve the visual appearance of the site).

For the purpose of determining applications to extend a replacement dwelling within the Green Belt, the Council consider that it is the size of the demolished dwelling, as originally constructed or as existed on 1st July 1948, which is the 'original' dwelling. Notwithstanding this, in allowing planning application S6/2011/0208/FP the Inspector outlined that on this particular site, a comparison with the demolished dwelling would be misleading as it would ignore the other building that existed on the site prior to the 1998 permission for a replacement dwelling. For the purpose of determining this application, the replacement dwelling as permitted under application referenced S6/1997/1052/FP is considered the 'original' dwelling.

Since the construction of the 'original' building, the property itself has been extended to the side at ground floor level with an orangery (S6/2011/0208/MA). The detached garage and garden store originally permitted has also been extended and benefitted from retrospective planning permission in its most recent form (S6/2011/0198/MA). The built form on the site has also been increased through the erection of three outbuildings with and without planning permission. It is noted that a 'garden store' was granted planning permission in August 1999 under planning reference S6/0484/99/FP although the design and location are different to what exists on site.

Policy RA3 makes reference and intends to protect the openness of the Green Belt from inappropriate extensions to dwellings. As a result, within the determination of this application, the entirety of the 'original' dwelling, includes the storage space on the second floor. The second floor area was not included in the assessment of floor area increase in the consideration of applications referenced S6/1997/0173/FP and S6/1997/1052/FP. As the harm in terms of built form existed, and has existed since, regardless of the spaces current habitable use, it should be included as 'original' when calculating the proportionate nature of cumulative additions.

The Green Belt Table below draws on the calculations from the previously granted application at the site (S6/2015/0789/MA). The Table provides an overall assessment and summary of the existing and proposed footprint and gross floor area calculated:

	Floor Area (Sqm measured externally)	Approximate percentage increase in floor area	Footprint (Sqm measured externally)	Approximate percentage increase in footprint
Original dwelling (including ground, first and second floor as well as garage approved within original application)	778		363	
Existing Dwelling (including orangery extension, outbuildings which required consent, staff annex and extension to garage)	1069	37%	526	45%
2015 permission for a rear extension which is extant	1102	42%	559	54%
Cumulative total including current proposal (excluding basement)	1293	66%	750	107%

The existing floor area including the orangery extension, all outbuildings which required consent, the staff annex and the extended part of garage totals approximately 1069 sqm. The floor area of the ground floor rear extension which was granted permission under application S6/2015/0789/MA measured approximately 33 sqm. Whilst it is noted that this extension has not been implemented, the permission remains extant and is present in the proposed plans of this application. The proposed development would have a floor area of 190.5 sqm. The cumulative floor area would total approximately 1293 sqm or a 66% increase over-and-above the floor area of the original dwelling.

The cumulative footprint would measure approximately 750 sqm which is equivalent to a 107% increase over-and-above the original dwelling.

Within the emerging Draft Local Plan 2016, Policy SADM 34 outlines that in the case of extensions to residential dwellings, these will need to avoid being disproportionate to the size of the original dwelling. Applications will be refused where the extension would either by itself or taken together with extant permission and previous extensions make the extensions disproportionate. When assessing what would constitute a disproportionate extension to a building, a quantitative and qualitative assessment will be undertaken. In quantitative terms proposals would result in footprint, volume, and or above ground dimensions (height/width) of a building being 50% greater than the original building would generally be refused. Using this as a benchmark, the resultant footprint of 106% would more than double this figure. Furthermore, when taking into consideration previous decisions and appeals at the site where a 61% floor area increase has been refused and dismissed at appeal as a result of disproportionate increase, in this case a 66% floor area increase is considered as disproportionate.

A quantitative assessment is not the only measure, a qualitative assessment is

also taken into consideration. The extension is of single storey nature and the height has been minimised where possible by virtue of design, however, the width of the extension would measure approximately 19m. When taking into consideration the existing extensions to the dwelling, the combined width would more than double the width of the original dwelling. As a result of its width and bulk, the side extension would result in a substantial addition to the original dwelling.

The proposal is therefore regarded as inappropriate development in the Green Belt which is by definition, substantially harmful to the Green Belt contrary to the National Planning Policy Framework 2012 and Policy RA3(i) of the Welwyn Hatfield District Plan and Policy SADM 34 of the Draft Local Plan Proposed Submission 2016.

Openness

In terms of the effect of the proposal on the openness of the Green Belt and its visual amenity, the NPPF identifies in paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The second criterion of Policy RA3 requires extensions not to have an adverse visual impact on the character, appearance and pattern of development in the surrounding countryside.

In terms of the effect of the side extension on the openness of the Green Belt, the proposed increase in volume would materially increase the bulk and mass of development on the site thereby reducing the openness of the Green Belt. Notwithstanding this, the new extension would be concealed from view from the highway by extensive boundary vegetation within the site and along the roadside verge. For this reason, in determining the S6/2012/1258/MA planning application, the Local Planning Authority considered that the proposal would not have an adverse impact on the character and appearance of the surrounding countryside and would therefore accord with the second criterion of Local Plan Policy RA3.

In dismissing the 2012 appeal (S6/2012/1258/MA) the Inspector agreed that *“As a result of its siting the building would not detract from the character or appearance of the countryside”*, however, the Inspector added *“Although not in public view the presence of a building of this size would detract from the openness of the Green Belt and thereby conflict with one of its essential characteristics.”* The appeal decision concluded that the proposal would be inappropriate development in the Green Belt that would conflict with Policy RA3 and would also detract from the openness of the Green Belt.

The proposal has altered since the 2012 application. The application previously sought permission for a similar proposal which was detached from the dwelling. The application proposes an extension of similar depth and form to the 2012 application. The extension would result in a greater bulk and mass on site and it is considered that the presence of such an extension of this size would detract from the openness of the Green Belt and thereby conflict with one of its essential characteristics.

No very special circumstances have been advanced.

<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Policy RA10 states that proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located. The application site is located within the North Mymms Common and Newgate Street Formed Plateau Landscape Character Area. The objectives of the landscape character area are to conserve and restore. Taking into consideration the size of the proposal and location of the site and its boundary treatment, it is not considered to detrimentally impact on the objectives of the North Mymms Common and Newgate Street Formed Plateau Landscape Character Area which complies with Policy RA10 of the Welwyn Hatfield District Plan 2005.</p> <p>Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires that residential extensions should be complementary in design and be subordinate in size and scale to the existing dwelling.</p> <p>The dwellinghouse is located on a large plot within a rural setting. The general characteristics of properties within the vicinity of Kentish Lane are generally large detached dwellings located within large residential plots. Notwithstanding the large footprint proposed, the extension is considered on balance to appear subordinate in scale to the application dwelling. The architectural style, windows, detailing and materials are appropriate to the original dwelling in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and SDG 2005.</p>
<p>Impact on neighbours</p>	<p>No objections have been received.</p> <p>The proposal would be unlikely to have a significant impact on neighbouring occupiers because of the separation distances, orientation and boundary screening. In terms of impact on the living conditions and residential amenity of neighbouring properties the proposed extension would be in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.</p>
<p>Access, car parking and highway considerations</p>	<p>The existing driveway and vehicle access from Kentish Lane would remain unaltered. There is ample parking provision on the site and therefore no concerns are raised with regard to on-site parking provision.</p>
<p>Landscaping Issues</p>	<p>The trees along the boundary with Kentish Lane and on other parts of the site (including the grass bank to the south of the proposed extension which contains a mature oak tree) are covered by a Tree Preservation Order. Insufficient detail has been submitted to assess the impact of the proposal on the landscaping of the site. In the event of approval of permission, a condition would be included for further details to be submitted.</p>
<p>Any other considerations</p>	<p>Archaeology – the development is unlikely to have a significant impact on heritage assets of archaeological interest.</p> <p>Gas Pipeline – Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. In the event of refusal for other reasons other than presence of apparatus, no further action required.</p>

Conclusion

The proposed development results in disproportionate additions over and above the size of the original building and therefore represents inappropriate development within the Green Belt. Furthermore, the increased footprint and bulk of the building would result in a loss of openness of the Green Belt. Very special circumstances do not exist as the potential harm to the Green Belt is not clearly outweighed. Accordingly, the proposal is contrary to Policy RA3 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005, the National Planning Policy Framework 2012 and Policy SADM 34 Draft Local Plan Proposed Submission 2016.

Reasons for Refusal:

1. The proposed development would result in disproportionate additions over and above the size of the original building and is therefore inappropriate development within the Green Belt. Furthermore, the increased footprint and bulk of the building would result in a loss of openness of the Green Belt. Very special circumstances do not exist as the potential harm to the Green Belt is not clearly outweighed by other considerations. Accordingly, the proposal is contrary to Policy RA3 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005, the National Planning Policy Framework 2012 and Policy SADM 34 Draft Local Plan Proposed Submission 2016.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
1513.P.00		Site Location Plan	20 December 2017
1513.P.01	A	Existing Site Plan	20 December 2017
1513.P.02	A	Existing Plans	20 December 2017
1513.P.03		Existing Elevations	20 December 2017
1513.P.04	A	Proposed Plans and Basement	20 December 2017
1513.P.05	A	Proposed Elevations	20 December 2017
1513.P.06	0	Proposed Site Plan	20 December 2017
1513.P.07	A	Site Sections	20 December 2017
1513.P.00	A	Site Location Plan	22 December 2017

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).

Determined By:

Mr Mark Peacock
15 February 2018