

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

DELEGATED APPLICATION

Application No: 6/2018/0332/HOUSE
Location: 11 Wilkins Green Lane Hatfield AL10 9RT
Proposal: Erection of garden room
Officer: Mr Richard Sakyi

Recommendation: Granted

6/2018/0332/HOUSE

Context	
Site and Application description	<p>The application property is part single and part two-storey L-shaped detached dwellinghouse situated on the north side of Wilkins Green Lane. It is a Grade II* listed building, modern style concrete construction with rendered roughcast. Vehicular access to the property is via a gated entrance south of the site leading onto a hardstanding area at the front of the dwelling. The building sits on a substantial plot with a number of large and mature trees, bounded with hedgerows the boundaries of the site. There are two small detached outbuildings within the curtilage of the site.</p> <p>The application site is situated within the designated Metropolitan Green Belt as identified in the proposals map of the adopted Welwyn Hatfield District Plan 2005.</p> <p>The dwellinghouse was listed in 1993 and the listing description is as follows: <i>House, 1934-5 by F R S Yorke. Modern style, showing influence of Le Corbusier's 'Maison La Roche'. Entirely concrete construction rendered later in roughcast. Open plan with 2-storey living room at rear. 2 storeys. Square plan with single storey projections at rear and front left side. Balcony inset in 1st floor left corner. Plain entrance elevation has recessed glazed door with flat hood. Large 12-light lounge window on left side elevation. 1st floor of lounge on rear has a 'Lencrete' clerestorey window. Other windows are metal frame casements. Flat roof. Parapet. [Architectural Review, Sept 1935, pp 97-99; Jeremy Gould Modern Houses in Britain 1919-39, pp 19-20; Pevsner (1977)].</i></p> <p>Planning permission is sought for the erection of detached garden room to be sited at a distance of approximately 12m from the rear of the property, close to two large mature trees and the hedgerow. The structure would be externally clad in cedar wood with external dimensions of approximately 4m wide x 7m long x 2.9m high. According to the applicant the proposed garden room would be for recreational use as a summer house.</p>
Constraints (as defined within WHDP 2005)	<p>LBC - LISTED BUILDING House, 1934-5 by F.R.S.Yorke. Modern style, - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Colney Heath Farmland) - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 Wards - Hatfield Villages - Distance: 0</p>

	WCCF - Watling Chase Community Forest - Distance: 0 A4HD - Article 4 HMO Direction - Distance: 0		
Relevant planning history	<p>Application Number: 6/2018/0340/LB Decision: Pending Proposal: Erection of garden room</p> <p>Application Number: S6/1993/0435/LB Decision: Refused Decision Date: 25 November 1993 Proposal: Demolition of Listed Building and garages</p> <p>Application Number: S6/1993/0657/OP Decision: Refused Decision Date: 20 January 1994 Proposal: Erection of new dwellinghouse</p> <p>Application Number: S6/1993/0658/LB Decision: Refused Decision Date: 20 January 1994 Proposal: Part demolition of existing ground floor accommodation and garage</p> <p>Application Number: S6/1995/0627/LB Decision: Granted Decision Date: 07 November 1995 Proposal: Exposure and anti-carbonation treatment of concrete, replacement of windows and addition of insulation</p> <p>Application Number: S6/1999/0670/FP Decision: Granted Decision Date: 20 September 1999 Proposal: Erection of painter's studio in rear garden for private use</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 16 March 2018 Site Notice Expiry Date: 6 April 2018 Press Advert Display Date: 28 February 2018 Press Advert Expiry Date: 14 March 2018</p>		
Summary of neighbour responses	None received		
Consultees and responses	<p>Hertfordshire County Council Historic Environment Advisor: Given the size of the proposed structure and the fact that the Listed building was constructed in 1934-5, in this instance we consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest.</p> <p>Place Services, Essex County Council: It is noted that the application states that the window and doorframes would be of grey aluminium, however the garden rooms details submitted outline that the garden room would have PVC-U window and doorframes.</p> <p>It is considered that the proposed garden room would not impact upon the significance of the listed building and I would therefore have no objection to the granting of approval of this scheme.</p> <p>Historic England: On the basis of the information available to date, we do not</p>		

wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

Relevant Policies

NPPF
 D1 D2 GBSP1 GBSP2 M14
 Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes
Others

Draft Local Plan Proposed Submission August 2016

SP3 Settlement Strategy and Green Belt Boundaries
SP9 Place Making and High Quality Design
SP11 Protection and Enhancement of Critical Environmental Assets
SADM11 Amenity and Layout
SADM15 Heritage
SADM16 Ecology and Landscape
SADM34 Development within the Green Belt

Main Issues

Appropriateness of Development

The application site is located in the Green Belt, where the Green Belt Strategy is set out in the National Planning Policy Framework (NPPF). Therefore aside from the presumption in favour of sustainable development and core planning principles set out in paragraphs 6-17 of the NPPF the most relevant paragraphs are 89 and 90.

Policy RA3 of the adopted Welwyn and Hatfield Local Plan 2005 is consistent with paragraph 89 of the NPPF, which states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, unless it falls within one of the exceptions set out. One exception (bullet point 3) states that 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.

The proposed garden room would be sited at a distance of approximately 12m from the rear of the existing dwelling, close to the rear boundary of the site and adjacent to the existing outbuilding. Although it is not attached to the dwelling, consideration must be given to the fact that the proposal is for a domestic outbuilding. In the circumstance, case law has established that a detached domestic outbuilding may be classed as an extension where it would take the form of a normal domestic adjunct to the dwelling. It must be emphasised that whether a particular ancillary building should be viewed as an extension is a matter of judgement based on the circumstances of the case.

The proposed garden room structure would have external dimensions of approximately 4m wide x 7m long x 2.9m high and would be externally clad in cedar wood. Notwithstanding the proposed external materials, it would be simple in form with traditional design, and although would not match the appearance of the existing rendered house, it would relate more closely in terms of the use. It is therefore concluded that due to the size, scale and proposed use it would have the character or appearance of a normal domestic adjunct. The proposal would therefore constitute an extension which is considered acceptable or appropriate provided it does not result in a disproportionate addition over and above the size of the original dwelling.

Openness and character

Openness is an essential characteristic of the Green Belt. The rear garden of the application property comprises an area of open and undeveloped land although there are two existing outbuildings which contributes positively to the rural character of the site and the immediate surroundings. The proposed garden room would occupy a small area of the garden and its physical

presence would not be observed from the existing public realm (street). Furthermore, the site is enclosed at the rear by mature trees and heavily screened by vegetation and a high evergreen hedgerow. Due to its height, with a low roofline, the garden room would be largely inconspicuous. However the proposed garden room structure would be sited among the existing detached outbuildings and as such would have cumulative impact on the openness of the green belt. Notwithstanding the above, taking account of the location of the proposal, its massing, design and materiality, it is considered that it would not unacceptably detract from the openness of the Green Belt.

Policy RA3 of the District Plan deals with extensions to dwellings in the Green Belt and states that: "Permission for extensions to existing dwellings within the Green Belt will be allowed only where the following criteria are met:

- i) The proposal would not individually or when considered with existing or approved extensions to the original dwelling, result in disproportionate increase in the size of the dwelling.
- ii) It 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. "

This also applies to outbuildings for which planning permission is required.

According to the Council's record on file, the original dwelling appears to consist of the existing 'L' shape structure with the detached garage. This form of the building and construction has remained substantially as originally built albeit with a later extension of which there is no record of when planning permission was granted or when it was constructed. Nevertheless, reference of the late addition was mentioned in the Planning Inspector's decision letter under Appeal C, at paragraph 10. There is also no record of the existing outbuilding at the rear (previous bungalow), which has a legal agreement in place for use as ancillary to the dwelling (ref: S6/1993/ 0657/OP. The floor area of the dwelling is approximately 287m². Permission S6/1999/0670/FP for the erection of painter's studio in rear garden for private use was granted on 20 September 1999. The structure was calculated to provide additional 40m² of floor space. The proposed garden room would add a floor space of 28m² making the total additions of floor space including the detached garage to approximately 400.36m², an increase in floor space of approximately 39%.

It is considered that the proposed extension and the existing extensions would be acceptable as appropriate development the Green Belt. Furthermore, it is considered that the existing detached outbuildings although large are well spaced within the rear garden of the site and appear domestic in appearance and so would not compromise the open and rural character of the area to warrant the refusal of planning permission.

Impact on the character and setting of the listed building

The key issue for consideration in this case is the proposal's impact on the character, significance and setting of the grade II* listed building.

Section 16 of the Listed Buildings and Conservation Areas Act states that the local planning authority shall have "*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". The specific historic environment policies within the NPPF are contained within paragraphs 126-141. Paragraph 131 of the National Planning Policy Framework (March, 2012) states, '*In determining planning applications, local planning authorities should take account of:*

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable*

communities including their economic vitality; and

- The desirability of new development making a positive contribution to local character and distinctiveness'

Paragraph 132 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation and the more important the asset the greater the weight it should be given. Paragraph 133 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial Paragraph 134 states that this should be weighed against the public benefits of the proposal. The NPPF therefore does allow for a degree of harm to a heritage asset in particular circumstances.

The significance of the building is derived from its architectural composition and appearance, its historical record, use of materials and its setting in Wilkins Green Lane.

The proposed garden room would be sited at a distance of approximately 12m from the rear of the property. The proposed external materials would be cedar wood cladding with aluminium windows and doors in dark grey colour. Although it is noted that the application states that the window and doorframes would be of grey aluminium, however the garden rooms details submitted outline that the garden room would have PVC-U window and doorframes. PVC-U windows and doors would not be considered appropriate and therefore grey aluminium should be used. This would be appropriate by the imposition of condition.

It is considered on balance, that the proposed garden room would result in minor harm to the setting of the listed building but which, subject to conditions, would be balanced by the public benefits of the continued occupation and long-term conservation of the building.

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

Yes No N/A

Comment (if applicable):

The design, size and siting is considered acceptable and would not have any adverse impact on the amenities of the neighbouring occupiers to warrant the refusal of planning permission.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable):

Any other issues

None

Conclusion

On balance, it is concluded that the proposal would not be a disproportionate addition to the original building. The effect on openness would be limited and would not cause material harm to the Green Belt. 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, Local Plan Policy RA3 and emerging Local Plan Policy SADM34.

Furthermore, the current proposals would result in minor harm to the significance of the listed building but which, subject to conditions, would be balanced by the public benefits of the continued occupation and long-term conservation of the building. The proposals would thus accord with the NPPF, Local Plan Policy D1 and D2 and Policy SP11 and SADM15 of the emerging Local Plan.

Conditions:

1. No 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 the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. Notwithstanding the details specified in the OECO Garden Room brochure (details) submitted with the application, the windows and doors shall be aluminium in dark grey colour as specified on the application form.

REASON: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building. To comply with the National Planning Policy Framework and Policies D1 and D2 of 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:

Plan Number	Revision Number	Details	Received Date
F		Block Plan	5 February 2018
E		Elevations	5 February 2018
E (i)		Floor Plan	5 February 2018
A		Location Plan	5 February 2018
B		Site Plan	5 February 2018

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).

Determined By:

Mr Mark Peacock
2 May 2018