

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

DELEGATED APPLICATION

Application No: 6/2018/1603/HOUSE
Location: 78 Bell Lane Brookmans Park Hatfield AL9 7AY
Proposal: Erection of a front garage extension with pitched roof
Officer: Mr William Myers

Recommendation: Refused

6/2018/1603/HOUSE

Context	
Site and Application description	The application site comprises a detached bungalow with a paved, 15m deep front garden and a 35m long rear garden on the south side of Bell Lane, Brookmans Park. It is built of buff bricks and has a pitched tiled roof. The house is almost the full width of the site. The property has been previously extended to its side and rear. The front of the site has a carriage driveway and provides off-street parking for three or more cars. It is accessed directly from Bell Lane.
Constraints (as defined within WHDP 2005)	GB - Greenbelt - Distance: 0 PAR - PARISH (NORTH MYMMS) - Distance: 0 Wards - Brookmans Park & Little Heath - Distance: 0
Relevant planning history	<p>Application Number: 6/2015/2244/HOUSE Decision: Granted Decision Date: 19 January 2016 Proposal: Erection of single storey rear and roof extension with alteration to front elevation gable following demolition of chimney stacks and side annex</p> <p>Application Number: S6/2003/1277/FP Decision: Granted Decision Date: 20 November 2003 Proposal: Erection of a single storey side extension, new front wall and gates</p> <p>Application Number: S6/2003/0574/FP Decision: Refused Decision Date: 15 July 2003 Proposal: Erection of a single storey side extension and new front boundary wall & gates</p> <p>Application Number: S6/2001/0442/FP Decision: Granted Decision Date: 14 May 2001 Proposal: Erection of single storey side and rear extension</p> <p>Application Number: S6/2000/1596/FP Decision: Granted Decision Date: 29 January 2001 Proposal: Erection of single storey rear extension</p> <p>Application Number: S6/1988/0255/FP Decision: Granted Decision Date: 18 April 1988 Proposal: New vehicle access</p>

	Application Number: S6/1986/0785/OP Decision: Granted Decision Date: 07 January 1987 Proposal: Single storey side and rear extension.		
Consultations			
Neighbour representations	Support: 0	Object: 1	Other: 0
Publicity	Site Notice Display Date: 26 July 2018 Site Notice Expiry Date: 16 August 2018		
Summary of neighbour responses	80 Bell Lane Comment: The proposed development would have an unacceptable impact on the levels of light that the property currently receives and that this impact would be especially bad in the autumn and winter.		
Consultees and responses	North Mymms Parish Council – The application must comply with Green Belt Policies.		
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 <u>Emerging Local Plan Proposed Submission 2016</u> SP1 Delivering Sustainable Development SP3 Settlement Strategy and Green Belt Boundaries SP9 Place Making and High Quality Design SP25 Rural Areas SADM11 Amenity and Layout SADM12 Parking, Servicing and Refuse SADM34 Development within the Green Belt			
Main Issues			
Green Belt	<p>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. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p> <p>The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The extension of an existing building is not, however, inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. There is no definition of ‘disproportionate additions’ in the NPPF. The ‘original building’ is as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally. Neither the Local Plan nor the NPPF provide any detailed guidance on how to determine whether an extension is disproportionate. This is, therefore, ultimately a matter for the decision maker and demands that each proposal is considered in relation to the size and character of the original building. The proposed increase in volume, footprint and floor area are commonly used indicators, however, as well as mathematical calculations, the visual impact of the extension has to be considered. The Council’s current Policy RA3 and emerging Local Policy SADM 34 require that extensions in the Green Belt do not have an adverse visual impact (in terms of prominence,</p>		

	<p>size, bulk and design) on the character, appearance and pattern of development of the surrounding countryside.</p> <p>The Council's records demonstrate that the original dwellinghouse had a floorspace of approximately 164m². Although the applicant has not submitted first floor plans of the existing property the elevation drawings that they have submitted demonstrate that they have implemented the extensions approved within 6/2015/2244/HOUSE but unlike the approved drawings they have not demolished the single storey side element that was meant to be removed as part of this approval. It is important to note that the removal of this aspect of the dwelling was seen as an important justification for allowing that permission. Using the drawings from this application it is judged that the existing dwellinghouse has a floorspace of approximately 411m², which equates to approximately a 150% increase above the original dwellinghouse. As a consequence in floor space terms it is clear that the existing dwelling has been substantially extended from the original dwelling. To accommodate these substantial extensions the original dwelling has been significantly increased in its size and bulk.</p> <p>The proposed extension would result in the property being extended to its front with a single storey extension which would project approximately 4.2m beyond front elevation. The proposed development would result in the creation of approximately 24m² of new floor space, which would represent approximately 165% increase above the size of the original dwellinghouse. Cumulatively, on a purely mathematical calculation the extensions to the original building would be disproportionate. However, in addition to mathematical calculations the visual impact of the extensions has to be considered.</p> <p>There is no definition of openness in the NPPF but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development.</p> <p>Further to the above discussions about the proposed increases, it is considered that such an addition to a dwelling, which has already been significantly extended, would have a harmful impact on the openness of Green Belt. The design, character and appearance of the proposed extensions would not be consistent with the general pattern of development and character of the area. The essential characteristics of Green Belts are their openness and their permanence and the loss of openness in the Green Belt resulting from the proposed extensions would conflict with this essential characteristic. Significant weight must be attached to this loss of openness.</p> <p>The proposal would add further development to an already disproportionately extended dwelling. For the reasons discussed, the proposal fails to meet the exceptions set out in paragraph 145 of the NPPF. It would, therefore, be inappropriate development in, and thus harmful to, the Green Belt. It would also conflict, with Local Plan Policy RA3 and emerging Policy SADM 34, which seek, among other things, to ensure that extensions, either alone or cumulatively with other extensions, do not result in disproportionate additions over and above the size of the original dwelling. Furthermore, the increased bulk and massing of the proposed development would result in a loss of openness and visual permeability of the Green Belt.</p>
<p>Design (form, size, scale, siting) and Character</p>	<p>Local 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</p>

(appearance within the streetscene)

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 2016 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.

The proposed front extension would project approximately 4.2m forward of the existing front elevation of the property, with a width of approximately 6.3m. The extension would have a pitched gable end roof which would match the existing angle of the other front facing gables within the existing front elevation of the dwelling, with a height at its ridgeline of approximately 4.8m.

Although the proposed extension would not be as high as the existing two storey feature at the centre of the front elevation, it would be approximately 1.3m greater in width than this feature and its proposed roof structure would be noticeably larger than all the other existing front facing gables. This disparity in the size of the front facing gable features is most striking when the existing gable on the opposite side of the dwellinghouse is compared with the proposed gable ended projection. This is because the existing feature only has a width of approximately 4.6m compared to the proposed width the extension which would be 6.3m and would be approximately 0.3m greater in height. This feature would create a lack of symmetry when the property is viewed from the front and this would be made more noticeable by the fact that, unlike the existing front facing gable feature on the opposite side of the dwelling, the proposed roof structure would be almost touching the bottom corner of the dormer window at this side of the dwellinghouse.

It is unclear from the submitted drawings how the proposed extension would intersect with the existing projecting gable and how the roof, eaves and gutter detail along the flank elevation would be constructed. It appears that part of the roof would be flat or could possibly feature a large gully. This, together with the desire to avoid the dormer, has resulted in an off-centre and asymmetrical roof form to the proposed extension.

In addition, unlike the other front facing gable features at the front of the property, the proposed extension would project 4.2m beyond the existing front elevation of the dwellinghouse and would therefore create a dominant feature to the front of the property which would fail to adequately respect, or relate, to the existing design and appearance of the host dwelling. Furthermore, it is considered that these comparisons demonstrate that the size of the proposed extension would fail to be subordinate, or subservient, to the existing dwellinghouse.

The submitted plans do not indicate what materials the proposed extension would be constructed from but it is considered that subject to a condition being imposed that the extension be constructed out of matching materials to the existing dwellinghouse that this aspect of the proposal would not be unacceptable.

Overall the proposed development would be excessive in size and would represent a poor standard of design with the result that it is contrary to the NPPF and Policies D1 and D2 of the District Plan which attach great

	importance to the design of the built environment and the SDG which seeks a design led approach to development.
Impact on neighbours	<p>As a consequence of the size and location of the proposed extension, it is considered that the only neighbour that is likely to be effected by the proposal would be No. 80. The reason for this is because the proposed extension would be set in from the boundary between the two properties by approximately 0.2m and it would extend along this shared boundary for approximately 4.2m.</p> <p>It is important to note that the existing relationship between the two properties means that the nearest front facing window, at ground floor level, within the front elevation of No. 80 is set back from the existing front elevation of No. 78 by approximately 6m. As a consequence of this relationship, there is already an existing deficiency in the relationship that exists between No. 78 has on No. 80. It is judged that the proposed erection of an extension that would project approximately 4.2m beyond the existing front elevation of No. 78 and would have an overall height of approximately 4.8m would further exasperate this deficiency in the relationship between the two properties. In addition, to this No. 78 is located to the west south west of No.80 with the result that this orientation would further compound the impact that the proposed extension would have on No. 80. It is noted that the proposed extension would have a roof form that would mean that its roof would slope away from the boundary but it is not considered that the aspect of the development would overcome the identified deficiencies.</p> <p>Further to the above it is considered that the proposed development would have an unacceptable impact on the amenity of No. 80 and that this harm is sufficient to warrant a reason for refusal.</p>
Access, car parking and highway considerations	As the application property is a four bedroom dwelling and the proposed development would benefit from more than three car parking space, there is no objection to this proposal on parking grounds.
Very Special Circumstances	<p>Paragraph 143 of the NPPF outlines that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 outlines that '<i>Very Special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations</i>'.</p> <p>It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify development or it may be that a number of circumstances may cumulatively amount to very special circumstances. As Lord Justice Pill said in <i>South Bucks District Council v Secretary of State for Transport, Local Government and the Regions</i> [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): "<i>It is of the essence of very special circumstances that the applicant establishing them is in a very special category.</i>" However, by their nature the existence of very special circumstances must relate to a particular site.</p> <p>The applicant has not advanced very special circumstances for this application. It is considered that further to the above analysis within this report that there are no very special circumstances that outweigh the harm to the Green Belt that was identified above.</p>

Conclusion	
<p>The proposal would represent inappropriate development within the Green Belt. In addition to this harm, there would also be harm to the openness of the Green Belt. Consequently the proposed development would conflict with Policy GBSP1 and RA3 of the saved Local Plan, Policy SADM34 of the Emerging Local Plan and relevant provisions of the NPPF.</p> <p>The proposed extensions would be of a poor quality of design and they would insufficiently reflect the design and character of the host dwelling. In addition, the extensions would not be subordinate or subservient to the existing building and would be excessive in size. Accordingly, the proposal is contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance 2005 (Statement of Council Policy 2005) and NPPF.</p> <p>The positioning, size and scale of the proposed extensions would negatively affect the amenity of both current and future occupier of No. 80 to an unacceptable level. Accordingly the proposal is of a poor quality design contrary to Policy D1 of the Welwyn Hatfield District Plan 2005 and would fail to accord with the Council's Supplementary Design Guidance and the NPPF.</p>	

Reasons for Refusal:

1. The proposed extension together with existing extensions, would result in disproportionate additions over and above the size of the original building, as such the proposal represents inappropriate development within the Green Belt. Furthermore, the increased bulk and massing of the proposed development would result in a loss of openness and visual permeability of the Green Belt. Very special circumstances do not exist to outweigh the harm to the Green Belt. Accordingly the proposal is contrary to the aims of the National Planning Policy Framework 2018, Policies GBSP1, GBSP2 and RA3 of the adopted Welwyn Hatfield District Plan 2005 and Policies SP3, SP25 and SADM34 of the Draft Local Plan Proposed Submission 2016.
2. By reason of its size, bulk and design, the extension would fail to appear subordinate or subservient in scale, resulting in an excessive and contrived addition which would fail to adequately respect, or relate, to the existing dwelling. Furthermore, the proposed extension would create a dominant feature to the front of the property which would harm the character and appearance of the host dwelling and the surrounding area. The proposal is therefore of poor quality design which fails to comply with the National Planning Policy Framework 2018, Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.
3. The proposed development, due to its scale, bulk and siting would unacceptably harm the amenity and living conditions of the occupiers of No. 80, through loss of light to habitable rooms and an overbearing presence of built form close to its boundary. Accordingly the proposal is of a poor quality design contrary to Policy D1 of the Welwyn Hatfield District Plan 2005 and would fail to accord with the Council's Supplementary Design Guidance and with the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

Plan Number	Revision Number	Details	Received Date
76/2018-1		Site Location Plan	5 July 2018
76/2018-3		Proposed & Existing & Elevations & Layouts	9 July 2018
76/2018-2		Block plan	5 July 2018

1. 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 (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Mr Mark Peacock
3 September 2018