

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

**DELEGATED APPLICATION**

**Application No:** 6/2018/1737/HOUSE  
**Location:** Just House Coopers Lane Northaw Potters Bar EN6 4NJ  
**Proposal:** Installation of front garden dwarf wall with steel railings and electric gates including relocation of the existing entrance and existing drop kerbs  
**Officer:** Mr Richard Sakyi

**Recommendation:** Refused

6/2018/1737/HOUSE

<b>Context</b>	
<b>Site and Application description</b>	<p>The application property comprises a two-storey detached dwelling situated to the west side of Well Road, close to its intersection with Coopers Lane. The main dwelling is set back from the front boundary of the plot by approximately 11m. At the front of the property there is a vehicular hardstanding and large gravelled area. The site has an irregular shaped plot with two vehicular accesses directly off Well Road. The area is characterised by large dwellings on substantial plots with spacious open surrounds.</p> <p>The site is located within the Metropolitan Greenbelt and a Landscape Character Area (Northaw Common Parkland) and it is adjacent to Spinney Cottage, which is a Grade II Listed Building situated immediately to the north of the application property.</p> <p>Planning permission is sought for the erection of front garden dwarf wall with steel railings and electric gates including relocation of the existing entrance and existing drop kerbs.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>LBC - LISTED BUILDING Former bakery, now cottage. Large C17 bakers - Distance: 10.78            GB - Greenbelt - Distance: 0            LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0            PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0            ROW - FOOTPATH (NORTHAW 004) - Distance: 0.48            Wards - Northaw &amp; Cuffley - Distance: 0            A4D - ARTICLE 4 DIRECTION - Distance: 0            HPGU - Northaw Place - Distance: 0</p>
<b>Relevant planning history</b>	<p>Application Number: 6/2018/1451/HOUSE            Decision: Refused            Decision Date: 14 August 2018            Proposal: Erection of first floor extension</p> <p>Application Number: 6/2018/0493/HOUSE            Decision: Granted            Decision Date: 17 May 2018</p>

	<p>Proposal: Erection of single storey side extension by converting garage area into habitable space.</p> <p>Application Number: 6/2017/2853/HOUSE Decision: Granted Decision Date: 17 May 2018 Proposal: Erection of garage in front garden</p> <p>Application Number: S6/2003/0554/FP Decision: Granted Decision Date: 26 June 2003 Proposal: Erection of a single storey rear extension and replacement of existing side extension</p> <p>Application Number: S6/2011/1777/LUP Decision: Granted Decision Date: 19 October 2011 Proposal: Certificate of lawfulness for rear dormer window</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	<p>Site Notice Display Date: 24 July 2018 Site Notice Expiry Date: 14 August 2018 Press Advert Display Date: 25 July 2018 Press Advert Expiry Date: 8 August 2018</p>		
<b>Summary of neighbour responses</b>	None received		
<b>Consultees and responses</b>	<p>Hertfordshire County Council Transport Programmes &amp; Strategy – Objects on the grounds of highway safety. The piers would obstruct pedestrian visibility splays and the gates would be adjacent to the highway boundary, requiring a car to project onto the highway whilst the gates are being opened.</p> <p>Hertfordshire Gardens Trust – Objects on the following grounds: Well Road is largely rural in character with hedges lining the road. The railings and gates as illustrated would seem to be more urban in design than appropriate for this location and would impact on views along the B156 coming from Northaw, to the detriment of the approach to Northaw House, a park and garden considered by HGT to be of Local Historic Significance.</p> <p>Welwyn Hatfield Borough Council Landscape &amp; Ecology – No representation received</p> <p>Hertfordshire County Council Historic Environment Advisor – No objection</p> <p>Northaw &amp; Cuffley Parish Council – No objection</p>		
<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 type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Policy D8: Landscaping			

Policy D5: Design for Movement  
Policy RA10: Landscape Regions and other Character Areas

Draft Local Plan Proposed Submission 2016 (Emerging Local Plan):

SP9: Place-making and High Quality Design  
SADM2: Highway Network and Safety  
SADM11: Amenity and Layout  
SADM34: Development in the Green Belt

**Main Issues**

**Green Belt**

*Appropriateness of development*

This application concerns a dwelling located within the Green Belt where Government policy in the National Planning Policy Framework (NPPF) identifies development that would not be inappropriate. The term 'building' is not defined in the NPPF but the definition in the Town and Country Planning Act 1990 refers to 'any structure or erection'. As a result, it is considered that the proposed wall, railings and gates should be treated as a 'building' for the purposes of the NPPF.

Appropriate development includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Inappropriate development should not be approved except in very special circumstances, which 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.

It is proposed to replace the existing 1.1m high timber fencing and wire link fencing with 1.8m high iron railings above a dwarf brick wall, together with entry and exit gates of approximately 3.40m wide and a height of approximately 3.45m to tip. The proposed wall and railings would be erected outside of the existing hedge and shrubbery at the back edge of the public highway. The scale of development proposed would be extensive and materially larger than the existing fence. As a result the proposal is inappropriate development in the Green Belt.

*Openness*

The NPPF indicates that the essential characteristics of Green Belts are their openness and permanence. It seeks to keep land free from built development and the curtilages of dwellings have a role to play in keeping land open.

There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Whilst the physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen, openness also goes beyond physical presence and has a visual aspect. In the visual sense, openness is a qualitative judgement. Factors relevant include how built up the Green Belt is now and how built up would it be after development has taken place and should include the likely perceived effects on openness, if any, as well as the spatial effects.

In the present case, the scale of development proposed would reduce the visual permeability of the Green Belt by reason of its physical presence. In addition, it is considered that the design, scale, height and siting of the

	<p>proposed boundary treatment and gates would markedly change the character and appearance of the site and the surrounding area, resulting in a more intrusive form of development and the perception of a more developed site. The proposal would therefore result in significant harm to the openness of the Green Belt.</p>
<p><b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b></p>	<p>Policies D1 and D2 require all planning applications to be considered in accordance with the adopted Supplementary Design Guidelines and state that any additions to a property should not be detrimental to the street scene or detract from the appearance of the original dwelling; and should complement and enhance the character and the context of the site.</p> <p>The street scene is quite varied, with reasonably large detached properties. The properties are all on irregular building lines however they tend to be characterised by relatively open frontages. There is a mix of open landscaping, low wooden and wire fences and hedging along the front boundaries. There are no front gates in the immediate vicinity.</p> <p>The area is characterised by relatively open frontages. The proposal would result in a front boundary railings significantly higher than others along the street and the gates would add to its prominence in the street scene. Such an enclosed frontage sets an undesirable precedence that would be detrimental to the open and rural character of the area. Accordingly, the proposal is considered to be contrary to Policy D2 of the Welwyn Hatfield District Plan 2005 and the advice contained in the Supplementary Design Guidance 2005.</p> <p>There are currently no hard boundary treatments in proximity of the application site however where boundary treatments are in place, these are limited to timber fencing and a short span of brick wall set back from the public highway and reflective in terms of scale and siting of the existing dwelling and the character and appearance of the area.</p> <p>In considering the design and siting of boundary treatments a balance has to be struck between privacy, safety and security on one hand and aesthetic considerations on the other. The need for security does not outstrip other relevant considerations such as visual impact and effects on local amenity.</p> <p>The height and span of the proposed railings and gates together with its high level of discernibility, would fail to respect or relate to the existing character and visual amenity of the immediate locality. The development would fail as a minimum to maintain the character of its area, contrary to Policies D1 and D2 of the Local Plan, the SDG and NPPF.</p>
<p><b>Impact on neighbours</b></p>	<p>It is considered that the proposal would not have any harmful impact on the amenities of the adjoining properties.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>The County Highway Officer is not satisfied with the proposals and has objected on the grounds of highway safety. The gates would be adjacent to the highway boundary, requiring a car to project onto the highway whilst the gates are being opened. Furthermore, the visibility of the proposed access would be substandard and would not meet the required visibility splay of 2.4m x 66m on a 40mph highway.</p> <p>The proposal is therefore unacceptable in terms of highway safety as they are not designed to allow the safe and suitable means of access and would impact</p>

	negatively on the safety of the adjoining highway contrary to Policies D1 and D5 of the Welwyn Hatfield District Plan 2005 and the Policy SADM 2 of the emerging Draft Local Plan Proposed Submission August 2016.
<b>Landscaping Issues</b>	The area and the site is characterised by soft landscaping. The proposal does not seek to remove the existing planting along the frontage of the site however there is nothing to prevent the removal of the existing soft landscaping if the applicant choose to do so. The trees are not protected and planning condition cannot be imposed to prevent their removal as this would not meet the tests specified in the NPPF.
<b>Any other considerations including preserved or enhanced character or appearance of Conservation Area</b>	<p><i>Whether there are any very special circumstances to outweigh any harm to the Green Belt</i></p> <p>Paragraph 143 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.</p> <p>No very special circumstances have been presented to clearly outweigh the identified harm.</p>
<b>Conclusion</b>	
<p>The proposal is inappropriate development in the Green Belt and would result in significant harm to the Green Belt openness. In accordance with Paragraph 143 of the NPPF substantial weight should be afforded to this harm. No very special circumstances exists to clearly outweigh this harm. The proposal would also fail as a minimum to maintain the character of the existing area and would be prejudicial to the adjoining highway. Consequently, the proposed development would fail to accord with Policies GBSP1, D1, D2 and D5 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 (Statement of Council Policy) and relevant provisions of the National Planning Policy Framework 2018. Furthermore, the proposed development would fail to accord with Policies SADM2 and SADM34 of the emerging Draft Local Plan Proposed Submission August 2016.</p>	

### **Reasons for Refusal:**

1. The proposed boundary treatment and gates would represent inappropriate development in the Green Belt and would result in a significant loss of Green Belt openness. No very special circumstances exist to clearly outweigh this harm. Also, the proposal, by reason of its siting, height and span, would fail to respect or relate to the existing character and visual amenity of the immediate locality. This fencing therefore fails as a minimum to maintain the character of the existing area. Consequently, the proposed development fails to accord with Policies GBSP1, D1 and D2 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005, Policy SADM34 of the Draft Local Plan Proposed Submission 2016 and the National Planning Policy Framework 2018.
2. The proposed gates and accesses, by reason of their siting and location, would adversely affect the safety of traffic in the adjoining public highway. Furthermore, the proposal would result in substandard pedestrian visibility splays and would not meet the minimum standard of 2.4m x 66m. The proposal is therefore contrary to the National Planning Policy Framework 2018 and Policies D1 and D5 of the Welwyn Hatfield District Plan 2005 and Policy SADM2 of the Draft Local Plan Proposed Submission 2016.

## REFUSED DRAWING NUMBERS

3.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
AR/A3/003		Approved Existing Site Plan	2 July 2018
AR/A3/004		Approved Existing Street Elevation From Well Road	2 July 2018
AR/A3/005	A	Proposed Site Plan	12 July 2018
AR/A3/006		Proposed Street Elevation From Well Road	2 July 2018
AR/A3/007		Proposed Gates And Railings Design Details	2 July 2018
AR/A3/001		Location Plan Environmental Insight	2 July 2018
AR/A3/002		Location Plan	2 July 2018

### **Determined By:**

Mr Mark Peacock  
6 September 2018