

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

DELEGATED APPLICATION

Application No: 6/2018/2084/HOUSE
Location: The Warren 8 Carbone Hill Northaw Potters Bar EN6 4PL
Proposal: Retrospective erection of garden store
Officer: Ms Emily Stainer

Recommendation: Granted

6/2018/2084/HOUSE

Context	
Site and Application description	<p>The Warren is located on the south east side of Carbone Hill which is a classified "C" road. The site comprises a large detached dwellinghouse set approximately 15 metres from the frontage, behind established boundary planting and a U-shaped gravel driveway. A triple detached garage is situated to the north east of the main dwelling. The surrounding area and street scene are semi-rural in character consisting of large detached dwellings of individual design set within generously proportioned and spacious plots which form ribbon development to the west of Cuffley.</p> <p>The application seeks permission retrospectively for the erection of a garden store. A Certificate of Lawfulness for the garden store was refused in 2017 on the basis that a fence marking the residential curtilage had recently been moved. By virtue of the proximity of the outbuilding to the boundary of the curtilage of the dwellinghouse, the outbuilding was limited by paragraph E.1 (e)(ii) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to 2.5m in height. The outbuilding as measured from the highest ground level was approximately 3.8m in height, thereby exceeding the limit imposed by the buildings proximity to the boundary of the curtilage of the dwellinghouse. As a result of this, planning permission is required for the garden store.</p>
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Great Wood) - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 53.56 Wards - Northaw & Cuffley - Distance: 0 A4D - ARTICLE 4 DIRECTION - Distance: 53.56 WILD - Home Wood (Cuffley) - Distance: 0</p>
Relevant planning history	<p>Application Number: E6/1955/0459/ Decision: Granted Decision Date: 19 May 1955 Proposal: Additional vehicular access</p> <p>Application Number: E6/1973/0791/ Decision: Refused Decision Date: 30 April 1973</p>

	<p>Proposal: Two storey chalet extension to outbuilding to form old persons annex.</p> <p>Application Number: E6/1973/3715/ Decision: Refused Decision Date: 07 September 1973 Proposal: Two storey side extension</p> <p>Application Number: E6/1973/5564/ Decision: Granted Decision Date: 12 February 1974 Proposal: Two storey side extension.</p> <p>Application Number: S6/1974/0495/ Decision: Granted Decision Date: 19 August 1974 Proposal: Basement extension</p> <p>Application Number: S6/1992/0144/FP Decision: Granted Decision Date: 21 April 1992 Proposal: Extensions and alterations to existing dwelling; alterations to vehicular access</p> <p>Application Number: S6/1993/0226/FP Decision: Granted Decision Date: 10 May 1993 Proposal: Alterations to elevations and new front porch (re-submission)</p> <p>Application Number: S6/1993/0132/FP Decision: Refused Decision Date: 13 May 1993 Proposal: Erection of detached triple garage</p> <p>Application Number: S6/2013/2225/FP Decision: Refused Decision Date: 20 December 2013 Proposal: Extensions and alterations to existing dwelling to include front and rear two storey extensions, and first floor balcony</p> <p>Application Number: S6/2014/1982/FP Decision: Granted Decision Date: 03 November 2014 Proposal: Erection of single storey rear extension and new porch following demolition of existing sun room</p> <p>Application Number: S6/2014/2447/LUP Decision: Granted Decision Date: 10 December 2014 Proposal: Certificate of lawfulness for the proposed erection of a single storey side and two storey rear extension</p> <p>Application Number: S6/2015/0331/FP Decision: Granted Decision Date: 15 April 2015</p>
--	--

	Proposal: Erection of single storey front extension Application Number: 6/2017/0430/LAWE Decision: Refused Decision Date: 17 May 2017 Proposal: Certificate of lawfulness for existing outbuilding to be ancillary to the existing dwelling		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Neighbour consultation letters		
Summary of neighbour responses	None		
Consultees and responses	Northaw & Cuffley Parish Council - No objection		
Relevant Policies			
<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 type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others RA3 Extensions to Dwellings in the Green Belt RA10 Landscape Regions and Character Areas <u>Draft Local Plan Proposed Submission August 2016</u> SP1 Delivering Sustainable Development SP3 Settlement Strategy and Green Belt Boundaries SP9 Place Making and High Quality Design SADM11 Amenity and Layout SADM16 Ecology and Landscape SADM34 Development within the Green Belt			
Main Issues			
<p>The application site is within the Green Belt. The government attaches great importance to the Green Belt. 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 curtilages of dwellings have a role to play in keeping land open.</p> <p><i>Appropriateness</i></p> <p>The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development subject to not meeting a number of exceptions. One relevant exception 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 advice is reflected in Policy RA3(i) of the Welwyn Hatfield District Plan 2005 (the Local Plan). Whilst adopted in 2005, Policy RA3 is broadly consistent with the NPPF. This policy also applies to those outbuildings for which planning permission is required.</p> <p>The NPPF defines the “original building” as a building as it existed in July 1948 or, if constructed after that date, as it was originally built. Neither the NPPF nor the Local Plan provide any detailed guidance on how to determine whether an extension is disproportionate. This is, therefore, ultimately a planning judgement of fact and degree.</p>			

The original dwelling, as it existed in 1948, was calculated in a previous application (6/2015/0331/FP) as having a floor area of approximately 162 square metres. The dwelling has been extended previously which enlarges the original floor area by approximately 128%. Permissions granted in 2014 and 2015 would increase this figure to approximately 137%. For the purpose of this application, the proposed outbuilding would result in approximately 28 square metres of additional floor space. The cumulative increase over and above the original dwelling would be approximately 154%. In quantitative terms, this amount would be disproportionate. However, as well as mathematical calculations, qualitative matters should be considered, such as: design, massing, visual impact or disposition on site.

In terms of a qualitative assessment, this would take account of the proposal in the context of the size and character of the dwelling and its surroundings. In this case, the proposed outbuilding is clearly subservient in scale when compared to the original building. It has the appearance of a garden store and is constructed from traditional materials which are sympathetic to, and in keeping with, its semi-woodland setting. The outbuilding is separated from the application dwelling by some 65m and sits comfortably within its extensive curtilage. The location of the outbuilding does not allow views from any public vantage point. It is considered that the design, scale and location of the proposal would, on balance, not amount to disproportionate additions over and above the size of the original building. In qualitative terms, the outbuilding is therefore viewed to be appropriate within the Green Belt.

Taking into account both a quantitative and qualitative methodology, although the proposal increases the floor space and footprint of the original dwelling, the resultant increase from this proposal is very limited and the cumulative impact would be negligible. Given that the outbuilding sits comfortably within the site and does not dominate the original building or alter its appearance or character, it is considered that the proposal would not result in a disproportionate addition and therefore is not inappropriate development.

Impact on the openness of the Green Belt

In terms of the effect of the proposal on the openness of the Green Belt and its visual amenity, the NPPF identifies in paragraph 133 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. Any above ground development would to some extent diminish the openness of the Green Belt, however, visual impact forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. In this regard, the wider site has good screening and the proposed outbuilding is discrete in its semi-woodland setting. It is of traditional design and appearance and is a type of structure which is commonplace in residential gardens. Given that the site comprises an extensive residential garden with a private woodland beyond, the outbuilding would not be visible from any public vantage point. The proposal would not, therefore, have a significant impact to the wider landscape beyond the application site and the immediate neighbouring property. The substantial openness around the application dwelling is maintained. For all these reasons it is considered that the proposal would not have a material impact upon the openness of the Green Belt or the purposes of its designation.

Is the development within a conservation area?

Yes No

Would the significance of the designated heritage asset be preserved or enhanced?

Yes No

Comment (if applicable): N/A

Would the development reflect the character of the area?

Yes No

Comment (if applicable):

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 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 a core principle of the NPPF that planning should seek to secure high quality design.

Paragraph 5.2 (i) of the Design Guide SDG gives advice that extensions should harmonise with the scale and architectural style of the original building, and the character of the area. The rear garden slopes gently downhill away from the house and is obscured from the surrounding area by trees within the site. The outbuilding measures approximately 4 metres x 7 metres, with a height of 3.8 metres when measured from the highest ground level. Given the size of the rear garden and wooded area owned which is owned by the applicants and that the outbuilding is sited a significant distance from the rear elevation of the dwellinghouse, the outbuilding is considered proportionate with the size of the rear garden and dwellinghouse. The outbuilding is constructed using horizontal timber boarding with slate roof tiles. The materials are considered to adequately respect the semi-rural character of the dwelling and surrounding wooded area. Overall, the design, scale, bulk, height and siting of the outbuilding is considered to respect the character and appearance of the property and the surrounding area.

In summary, the proposed development is considered in keeping with the character and appearance of the dwellinghouse, the adjoining dwellinghouses and the surrounding area and would achieve a high standard of design, complying with Policy D1 and D2 of the adopted Welwyn Hatfield of the Local Plan and the Supplementary Design Guidance (2005).

Would the development reflect the character of the dwelling?

Yes No N/A

Comment (if applicable): See above.

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

Yes No N/A

Comment (if applicable):

The property most likely to be affected by the proposal is No.14 Carbone Hill. No representations have been received from neighbours. The outbuilding would be for an incidental use to the main house and therefore should be used for activities that would be associated with the residential use of the main house. The proposal has been designed to only have openings in the west elevation which screens the activities from the neighbouring plot of No.14. Furthermore, as the outbuilding is located a significant distance away from the host dwelling, it is unlikely that it would result in any undue overlooking of the dwelling or the patio area to the rear of the neighbouring properties. Therefore it is considered the overall proposal has little to no impact on loss of amenities in terms of overlooking, sun/daylight, outlook or privacy to either neighbours.

Would the development provide / retain sufficient parking?

Yes No N/A

Comment (if applicable):

Any other issues

Policy RA10 states that proposals for development in 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, as defined in the Welwyn Hatfield Landscape Character Assessment.

The application site falls within the Landscape Character Area of Northaw Great Wood, an area characterised by extensive broadleaf woodland managed for recreation and nature conservation. Given the minor scale of the proposed development, it is considered that the Landscape Character Area would be appropriately maintained. The development therefore complies with Policy RA10 in the Welwyn Hatfield Borough Council Local Plan 2005.

Conclusion

On balance, it is concluded that the outbuilding would not be a disproportionate addition to the original building. The effect on openness would be limited at most and would not cause material harm to the Green Belt. Furthermore, the outbuilding would not be contrary to any of the purposes of including land within the Green Belt. Giving consideration to the scale of the proposal and its setting, it is considered that the amenity of the adjoining occupiers will be maintained. Accordingly, the development is considered to be in accordance with the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guidance, the Emerging Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

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
830/SP1A		Site Plan	10 August 2018
O1A		Existing Elevations and Section	10 August 2018
O2A		Proposed Elevations and Section	10 August 2018
830/LP1		Location Plan	10 August 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 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).

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.

2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.

Determined By:

Mr Mark Peacock
5 October 2018