

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

**DELEGATED APPLICATION**

**Application No:** 6/2018/3158/HOUSE  
**Location:** The Warren 8 Carbone Hill Northaw Potters Bar EN6 4PL  
**Proposal:** Erection of boundary fence, laurel hedge, brick piers and double gates following the removal of existing fence and entrance gates  
**Officer:** Ms Emily Stainer

**Recommendation:** Granted

6/2018/3158/HOUSE

<b>Context</b>	
<b>Site and Application description</b>	<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>This application seeks permission for the erection of a boundary fence, brick piers and double gates with associated landscaping following the removal of the existing fence and entrance gates.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<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: 53.2            Wards - Northaw &amp; Cuffley - Distance: 0            A4D - ARTICLE 4 DIRECTION - Distance: 53.2</p>
<b>Relevant planning history</b>	<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            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>

Application Number: E6/1973/5564/  
Decision: Granted  
Decision Date: 12 February 1974  
Proposal: Two storey side extension.

Application Number: S6/1974/0495/  
Decision: Granted  
Decision Date: 19 August 1974  
Proposal: Basement extension

Application Number: S6/1992/0144/FP  
Decision: Granted  
Decision Date: 21 April 1992  
Proposal: Extensions and alterations to existing dwelling; alterations to vehicular access

Application Number: S6/1993/0226/FP  
Decision: Granted  
Decision Date: 10 May 1993  
Proposal: Alterations to elevations and new front porch (re-submission)

Application Number: S6/1993/0132/FP  
Decision: Refused  
Decision Date: 13 May 1993  
Proposal: Erection of detached triple garage

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

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

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

Application Number: S6/2015/0331/FP  
Decision: Granted  
Decision Date: 15 April 2015  
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

Application Number: 6/2018/2084/HOUSE

	Decision: Granted Decision Date: 05 October 2018 Proposal: Retrospective erection of garden store		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0
<b>Publicity</b>	Neighbour notification letters.		
<b>Summary of neighbour responses</b>	None		
<b>Consultees and responses</b>	Northaw & Cuffley Parish Council – No objection Hertfordshire Transport Programmes & Strategy – No objection. WHBC Landscaping – The proposed mixed native hedge with species such as field maple, hornbeam, hawthorn and beech would be acceptable.		
<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 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			
<b>Main Issues</b>			
<u>Green Belt</u>  The application site is located within the Metropolitan Green Belt. While the NPPF does not define the term ‘building’, the Town and Country Planning Act 1990 as amended describes ‘a building’ as including any structure or erection. Therefore the proposed fence, gates and brick piers would constitute a building for planning purposes.  The Council’s Saved or Emerging Local Plan do not deal with the erection of gates, walls or other similar boundary treatments difference. Paragraph 25.12 within the justification section of Policy SADM34 (Development within the Green Belt) of the Emerging Local Plan states that: <i>“Proposals for new free-standing incidental buildings sited more than 5 metres from the main building will be considered against the policy for new buildings in the Green Belt, not as extensions to existing buildings due to the separation between the built structures and the resulting lack of proximity”</i> . The proposed gates and supporting piers would be separated from the main dwelling by a minimum of 8.5 metres. Whilst the term ‘incidental building’ would not include the proposal, this approach supports the case concerning whether buildings should be treated as extensions or not to a main building.  Paragraph 145 of the NPPF explains that a local planning authority should regard the construction of			

new buildings as inappropriate in the Green Belt, apart from a limited number of exceptions. One of these exceptions (exception d) is *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'*. The existing fencing and gate measure approximately 1 metre in height. In comparison, the proposed fence would be approximately 1.5 metres in height gates, the gates would measure up to 1.9 metres at their highest point in the centre, whilst the piers would be approximately 1.65 metres high. Given the increase in the height of the fence, railing and piers, it is concluded that the proposal would represent inappropriate development in the Green Belt contrary to both local and national planning policy.

**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 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and that new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed with regard to its bulk, scale and design and how it harmonises with the existing buildings and surrounding area.

The existing site frontage includes a boundary fence measuring approximately 1 metre in height and two timber 5 bar gates. It is also densely hedged with trees and shrubs, which limit views into the site and the woods behind the property. The proposed close boarded fence would be 1.5 metres high, with a 1.2 metre hedge running along the front of it. The hedge would be mixed native consisting of species such as field maple, hornbeam, hawthorn and beech which assist in not only softening the appearance of the hard-boundary treatment, but also contribute to the character of the street scene. The metal gates would measure approximately 1.9 metres at their maximum height but would be set back from the front boundary which helps to reduce prominence, and the metal railing creates a more lightweight appearance.

The frontages of the surrounding properties are predominantly characterised by open or landscaped boundaries which have a lack of built development and maintain the open character of the Green Belt. There are also a variety of accesses and gates along the frontage of properties, with the majority of hard or solid materials softened by planting. The proposed fence would be timber, an appropriate material in the Green Belt and the proposed gates, although metal, still allow views into the site. This proposed style of gate is replicated on other properties on the road. It is therefore considered that the proposed entrance gates and brick piers are considered acceptable taking into consideration the impact on the streetscene and the character and appearance of the area.

**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):

Policies D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential

amenity. Guidance in Paragraph 17 of the NPPF seeks high quality design and good standards of amenity for all existing and future occupiers of land and buildings. The impact of the proposed development on the residential amenity of neighbouring occupiers is considered in terms of the impact on access to day/sun/sky light, privacy and overbearing impact. Given the substantial distances between the application site and the neighbouring properties, the fence, gates and brick piers would not affect the living conditions of neighbouring properties.

### **Access, car parking and highway considerations**

#### **Comment** (if applicable):

There are no objections in regards to on-site car parking provision. The width of the vehicle entrance and set back of the piers, fence and gates would allow visibility splays to be provided. The use of the existing crossover would retain the existing vehicle visibility splays along Carbone Hill. The proposal has been amended to exclude landscape planting on the grass verge on the Highway, thus retaining the visibility margins required by the Highway Authority. The proposed development is, therefore, acceptable in these respects.

### **Any other issues**

#### *Landscape Character Area*

Policy RA10 requires developments 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 Northaw Great Wood, an area characterised by extensive broadleaf woodland managed for recreation and nature conservation. The proposal would not have any direct impact upon the local landscape quality of the area and although would not contribute would not be contrary to this policy.

#### *Very Special Circumstances*

Paragraph 143 of 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 144 of the NPPF goes on to state that when considering any planning application, 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 resulting from the proposal, is clearly outweighed by other considerations.

The proposal would represent inappropriate development in the Green Belt for which substantial weight is attached.

Paragraph 133 of the NPPF explains 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. In this case, the proposed close boarded fence would be largely screened by a mixed native hedge running along the front of it (as described above). The hedge would assist in softening the appearance of the hard-boundary treatment and will also contribute to the character of the street scene. The site already garner a strong sense of enclosure and it is in this context that the gates are read. The gates would be set well back from the front boundary and set amongst established landscaping which would further reduce the effect they have on the visual aspect of openness. Importantly, the gates are of a lightweight design which allow views through to landscaped areas within the site and helps to reduce prominence. In effect the gates would not appear overly prominent. Notwithstanding the increase in the height of the fence, gates and piers, the proposal would not no harm to Green Belt openness or its purposes which weighs in its favour. The proposed soft landscaping will in enhance the character and appearance of the site and the surrounding area which has limited weight in favour of the proposal. There is also absence of any further harm in terms of residential amenity or highway safety, however these are

neutral factors.

Subject to conditions to secure the landscape enhancements/screening and the detailed design of the gates, it is considered that, when taken together, the considerations in favour of the scheme would clearly outweigh the harm identified, by reason of inappropriateness. Very special circumstances exist to justify a grant of planning permission.

**Conclusion**

The proposed development would accord with relevant local and national planning policies.

**Conditions:**

1. All landscaping shown on the approved drawings shall be carried out in the first planting and seeding seasons following the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. Notwithstanding the approved drawings, prior to above ground development, full details of the proposed gates must be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall not be carried out other than in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

**DRAWING NUMBERS**

3. The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
830 SP2A		Existing Site Plan	11 December 2018
830 SP3	A	Proposed Site Plan	14 February 2019
830 SP4	B	Existing and Proposed Elevations	15 February 2019
830 LP1A		Location Plan	11 December 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.
3. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website. <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

### **Determined By:**

Mr Mark Peacock  
18 February 2019