

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

DELEGATED APPLICATION

Application No: 6/2019/0022/HOUSE
Location: 79 The Ridgeway, Cuffley, Potters Bar, EN6 4BD
Proposal: Formation of a crossover and erection of entrance gates
Officer: Mr David Elmore

Recommendation: Granted

6/2019/0022/HOUSE

Context			
Site and Application description	<p>The application site comprises a two storey detached dwelling which forms part of a ribbon of residential development on the south side of The Ridgeway. The property is set back from the main road and currently has an open frontage.</p> <p>There are a variety of front boundary treatment in the area predominately at low level, however a number of taller boundary treatments including walls, gates and railings are present in the vicinity of the site.</p> <p>The site is located within a semi-rural location and washed over by the Metropolitan Green Belt.</p> <p>Planning permission is sought for the erection of front boundary gates and a vehicle crossover.</p>		
Constraints (as defined within WHDP 2005)	<p>GB - Greenbelt LCA - Landscape Character Area (Northaw Great Wood) LCA - Landscape Character Area (Northaw Common Parkland) Wards - Northaw & Cuffley</p>		
Relevant planning history	<p>Application Number: 6/2019/0021/HOUSE Decision: Under consideration Proposal: Erection of two storey front, side and rear extensions and alterations</p>		
Consultations			
Neighbour representations	Support: 0	Object: 2	Other: 0
Publicity	Neighbour notification letters		
Summary of neighbour responses	<p>Objections have been received by numbers 77 and 81 The Ridgeway however the concerns relate to a planning application for extensions to the dwelling itself (reference: 6/2019/0021/HOUSE) which is currently under consideration.</p>		
Consultees and responses	<p>Hertfordshire County Council (Highways) – No objection subject to conditions Northaw & Cuffley Parish Council – No objection</p>		
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 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: D8 and RA10 of the District Plan, Policies SADM2, SP9, SADM11, SADM16 and SADM34 of the Emerging Local Plan

Main Issues

Would the development reflect the character of the area?

Yes No

Would the development reflect the character of the dwelling?

Yes No

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

Yes No

Other considerations

Green Belt

Appropriateness

The National Planning Policy Framework 2019 (NPPF) in paragraph 145 outlines that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless it is for certain defined exceptions. This approach is generally reflected in Policy SADM34 of the Emerging Local Plan.

The term 'building' is not defined in the NPPF or the Council's Saved or Emerging Local Plan 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 should be treated as a 'building' for the purposes of the NPPF.

The proposed timber gates at a height of 1.5m would be separated from the main dwelling by a minimum of 11.4m. Given the physical separation, it is considered, as a matter of fact and degree, that the development proposal is not a normal domestic adjunct, and thus cannot be treated as an extension. As such, exception (c) of NPPF paragraph 145 would not be engaged.

The Council's Saved or Emerging Local Plan do not deal with the erection of gates, walls or other similar boundary treatments. Paragraph 25.12 in the supporting text to Policy SADM34 of the Council Emerging Local Plan explains that 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. 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.

Whilst the proposed gates are considered small scale they would nevertheless represent inappropriate development, by definition, in the Green Belt contrary to both local and national planning policy.

Openness and Green Belt purposes

As the proposal involves above ground built development, this would lead to a loss of openness in spatial and visual terms. However, the scale of the proposal is considered modest and would not appear prominent in the context of the application site nor surrounding environment.

There would be some minor loss of openness however this effect is not so significant that it causes harm to the Green Belt or conflicts with the purposes of including land within it.

Taking account of the above, the proposal would represent inappropriate development in the Green Belt, in conflict with Policy GBSP1 of the District Plan, Policy SADM34 of the Emerging Local Plan and the NPPF.

Highway impact

The proposal includes the creation of an additional vehicle crossover onto the site from the highway and planning permission is required as The Ridgeway is a classified road.

Hertfordshire Highways have been consulted for this application and present no objection subject to the proposed gates being inward opening and the gradient of access not exceeding 1:10 into the site as measured from the near channel edge of the adjacent carriageway. These conditions are recommended in the interest of highway safety and can be secured through appropriately worded planning conditions

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. The proposal would not cause harm to Green Belt openness or its purposes which weighs in favour of the proposal. It is appreciated that the proposal is modest in scale in the context of its site and surroundings and insignificant visually. The proposal also includes the planting across the remaining proportion of the site frontage which assists in softening the appearance and presence of the gates. Whilst details of the type of planting have not been provided, this can be secured through a planning condition. Furthermore, there is an absence of any harm in terms of character and appearance of the area, residential amenity or highway safety.

When taken together, it is considered that the other 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. It is a salient point that harm to the Green Belt by reason of inappropriateness would not always be clearly outweighed by a lack of harm to the fundamental aim of the Green Belt of its purposes. The particular circumstances of each application must be considered a balanced judgement made.

Conclusion

Subject to the suggested conditions, the proposed development would accord with all relevant local and national planning policies.

Conditions:

1. No development above ground level shall take place until details of the planting to line the front boundary of the site have been submitted to and approved in writing by the Local Planning Authority. These details must include:
 - (a) a plan (metrically scaled) showing the location and extent of planting across the front boundary; and
 - (b) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

The development must not be carried out other than in accordance with the approved details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental

impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

2. All agreed landscaping comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the first building, 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, Policies SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

3. The access gates hereby approved must only open inwards as shown on approved drawing number: 13228-P003-A.

REASON: In the interest of highway safety in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

4. The gradient of the vehicle access served by the crossover hereby approved must not exceed 1:10 for the first 5 metres into the site as measured from the nearest channel edge of the adjacent carriageway (The Ridgeway).

REASON: In the interest of highway safety in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

DRAWING NUMBERS

5. 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
13228-P003-A		Proposed Site & Block Plan	11 March 2019
13228-S002-A		Existing Site and Location Plan	11 March 2019
13228-P004-1st		Existing and proposed Elevations	15 January 2019

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

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.

Determined By:

Mr Mark Peacock
12 March 2019